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MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12011/L.A., Bangalore-1, dated 12th January 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Code of Criminal Procedure (Mysore Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE CODE OF CRIMINAL PROCEDURE (MYSORE AMENDMENT) BILL, 1965.

A Bill to amend the Code of Criminal Procedure, 1898, in its application to the State of Mysore.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) in its application to the State of Mysore, to provide for a uniform law for the separation of the performance of judicial and executive functions by officers in the State and for certain other matters hereinafter appearing ;

BE it hereby enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure (Mysore Amendment) Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. Repeal of certain Acts in force in the Bombay Area of the State.—(1) The following enactments in force in the Bombay Area of the State are hereby repealed :—

(i) The Bombay Separation of Judicial and Executive Functions Act, 1951 (Bombay Act 23 of 1951) ;

(ii) The Bombay Separation of Judicial and Executive Functions (Supplementary) Act, 1954 (Bombay Act 8 of 1954);

(iii) The Bombay Criminal Procedure (Amendment) Act, 1953 (Bombay Act 34 of 1953) ;

(iv) The Code of Criminal Procedure (Bombay Amendment) Act, 1954 (Bombay Act 71 of 1954);

(v) The Code of Criminal Procedure (Bombay Amendment) Act, 1955 (Bombay Act 39 of 1955);

(vi) The Code of Criminal Procedure (Bombay Amendment) Act, 1956 (Bombay Act 20 of 1956).

(2) As from the date this Act comes into force the amendments made in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) (hereinafter referred to in this Act as the principal Act,) by the enactments repealed by sub-section (1) (hereinafter in this section referred to as the "repealed Acts"), shall cease to continue and shall be omitted from the Code and such of the provisions thereof as were affected by the repealed Acts shall stand revived to the extent to which they would have otherwise continued in operation, but for the passing of the repealed Acts; and after such revival, the amendments made to the Code by this Act shall become operative :

Provided that in respect of the provisions which cease to continue by virtue of this section, the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable, as if such provisions were enactments repealed by a Mysore Act and in respect of provisions which cease to continue, but are re-enacted by this Act, the provisions of section 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed but re-enacted by a Mysore Act.

3. Substitution of new section for section 6.—For section 6 of the principal Act, the following section shall be substituted, namely :—

"**6. Classes of Criminal Courts.**—Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Mysore, namely :—

(i) Courts of Session,

(ii) Courts of Magistrates."

4. Insertion of a new section 6A.—After section 6 of the principal Act, the following heading and section shall be inserted, namely .—

"A-1—Classes of Magistrates.

6A. Classes of Magistrates.—There shall be the following classes of Magistrates, namely :—

I. Judicial Magistrates.—

(1) Magistrates of the First Class ;

(2) Magistrates of the Second Class ;

(3) Magistrates of the Third Class ;

(4) Special Judicial Magistrates.

II. Executive Magistrates.—

(1) District Magistrates ;

(2) Sub-Divisional Magistrates ;

(3) Taluk Magistrates ;

(4) Special Executive Magistrates."

5. Substitution of new section for section 7.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"**7. Sessions Divisions and Districts.**—(1) The State of Mysore shall consist of Sessions Divisions; and every Sessions Division shall, for the purpose of this Code, be a district or consist of districts.

(2) For the purpose of this Code, the City of Bangalore shall be a Sessions Division and be deemed to be a district;

(3) The State Government may alter the limits or the number of such divisions and districts ;

(4) The Sessions Divisions and districts existing when the Code of Criminal Procedure (Mysore Amendment) Act, 1965, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered".

6. Amendment of section 10.—In section 10 of the principal Act,—

(i) in sub-section (1), the words "Magistrate of the First Class, who shall be called the" shall be omitted;

(ii) in sub-section (2),--

(a) for the words "any Magistrate of the First Class to be an Additional District Magistrate", the words "one or more Additional District Magistrates", shall be substituted; and

(b) for the words "such Additional District Magistrate" the words "an Additional District Magistrate" shall be substituted;

(iii) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) For the purposes of sub-section (3) of section 192, and sub-sections (3) and (3A) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate".

7. Substitution of new sections for sections 12, 13 and 14.—For sections 12, 13 and 14 of the principal Act, the following sections shall be substituted, namely :-

"**12. Judicial Magistrates.**—(1) The State Government may appoint as many persons as it thinks fit to be Magistrates of the first, second or third class in any district, and the Sessions Judge subject to the control of the High Court, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code :

Provided that the power of appointment of Magistrate under this sub-section shall on the issue of a public notification under Article 237 of the Constitution, be exercised subject to the terms of the said notification.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such Magistrates shall extend throughout such district.

13. Appointment of Sub-Divisional Magistrates and Taluk Magistrates and their Jurisdiction.—(1) The State

Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluk Magistrates in any district.

(2) The State Government, or, subject to the control of the State Government, the District Magistrate, may place—

(i) one or more Sub-Divisional Magistrates in charge of a Sub-Division, and

(ii) one or more Taluk Magistrates in charge of a Taluk.

14. Special Magistrates.—(1) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the official Gazette, all or any of the powers conferred or conferable by or under this Code, on a Judicial Magistrate in respect to particular cases or to a particular class of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such terms as the State Government may, in consultation with the High Court, by general or special order, direct.

(2) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may by general or special order direct :

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of an Assistant or Deputy Superintendent and no power shall be conferred on a police officer, except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being

brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(3) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (2)."

8. Amendment of section 15.—In sub-section (1) of section 15 of the principal Act, for the word "Magistrates" the words "Judicial Magistrates" shall be substituted.

9. Amendment of section 16.—In section 16 of the principal Act, for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate", the words "The High Court, subject to the approval of the State Government" shall be substituted.

10. Amendment of section 17.—In section 17 of the principal Act,—

(i) in sub-section (1),—

(*a*) for the words "All Magistrates" the words "All Judicial Magistrates" shall be substituted ;

(*b*) the figures "13" shall be omitted ;

(*c*) for the words "District Magistrate", the words "Sessions Judge" shall, be substituted ;

(*d*) the word "and" at the end shall be omitted ;

(*ii*) Sub-section (2) and sub-section (5) shall be omitted ;

(*iii*) in the marginal note to the said section, for the word "Magistrates", the words "Judicial Magistrates" and for the words "District Magistrate", the words "Sessions Judge" shall be substituted.

(*iv*) in sub-section (4) for the words "by the District Magistrate, and such Judge or Magistrate" the words "by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining

Division,' and such Judge" shall be substituted.

11. Insertion of new sections 17A and 17B. — After section 17 of the principal Act, the following sections shall be inserted, namely :—

"**17A. Subordination of Executive Magistrates.**—(1) All Executive Magistrates appointed under section 13 or section 14 shall be subordinate to the District Magistrate ; and every Taluk Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate.

(2) The District Magistrate may, from time to time, make rules or give special orders, consistent with this Code, as to the distribution of business among the Magistrates subordinate to him and as to allocation of business to an Additional District Magistrate.

17B. Inferior Criminal Courts.—Courts of Session and Courts of Magistrates shall be criminal courts inferior to the High Court and Courts of Magistrates shall be criminal courts inferior to the Court of Session."

12. Amendment of section 29B.—In section 29 B of the principal Act,—

(*i*) the words "a District Magistrate or" shall be omitted ;

(*ii*) for the words "by any Magistrate specially empowered by the State Government", the words "by any Judicial Magistrate specially empowered by the State Government" shall be substituted.

13. Amendment of section 30.—In section 30 of the principal Act, the words "District Magistrate", at both the places where they occur, shall be omitted.

14. Amendment of section 36.—In section 36 of the principal Act, for the words "District Magistrates, Sub-Divisional Magistrates and Magistrates of the first, second and third classes", the words "Judicial and Executive Magistrates other than Special Judicial and Special Executive Magistrates" shall be substituted.

15. Substitution of new section for section 37.—For section 37 of the principal Act, the following section shall be substituted, namely :—

"**37.--Additional powers conferable on Magistrates.**—(1) In addition to his ordinary powers, the State Government may invest any Magistrate with any of the powers as specified in the Fourth Schedule.

(2) The State Government may authorise a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the Fourth Schedule."

16. Amendment of section 38.—In section 38 of the principal Act, for the words "conferred on the District Magistrate by", the words "delegated to the District Magistrate under" shall be substituted.

17. Amendment of section 57.—In sub-section (2) of section 57 of the principal Act, for the words "before a Magistrate, if so required", the words "before a Magistrate having jurisdiction, if so required" shall be substituted.

18. Amendment of section 63.—In section 63 of the principal Act, for the words "special order of a Magistrate", the words "special order of a Magistrate having jurisdiction" shall be substituted.

19. Admendment of section 78.—In sub-section (1) of section 78 of the principal Act, after the words "or Sub-Divisional Magistrate", the words "or Magistrate of the First Class" shall be inserted.

20. Amendment of section 88.—In section 88 of the principal Act, in sub-section (6C) the words "of the First or Second Class" shall be omitted.

21. Amendment of section 106.—In sub-section (1) of section 106 of the principal Act, the words "a District Magistrate, a Sub-Divisional Magistrate" shall be omitted.

22. Amendment of section 107.—In sub-section (1) of section 107 of the principal Act, for the words "Magistrate of the First Class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted.

23 Amendment of section 108.—In section 108 of the principal Act, after the words "District Magistrate" the words "or Sub-Divisional Magistrate" shall be inserted.

24 Amendment of section 109.—In section 109 of the principal Act, for the words "Magistrate of the First Class", the words "a Magistrate of the First Class specially empowered by the State Government in this behalf" shall be substituted.

25. Amendment of section 126.—In section 126 of the principal Act,—

(i) in sub-section (1), for the words "to a Presidency Magistrate, District Magistrate, Sub Divisional Magistrate or Magistrate of the First Class", the words "to the court by which an order was made to give security" shall be substituted; and for word 'his' the word 'its' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound, to appear or to be brought before it."

26 Amendment of section 133.—In sub-section (1) of section 133 of the principal Act,—

(i) for the words "a Magistrate of the First Class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted;

(ii) in the last paragraph, for the words "to appear before himself or some other Magistrate of the first or second Class" the words "to appear before himself or some other Executive Magistrate" shall be substituted.

27. Amendment of section 143.— In section 143 of the principal Act, for the words "A District Magistrate or Sub-Divisional Magistrate or any other Magistrate empowered by the State Government or the District Magistrate in this behalf", the words "A Magistrate of the First Class specially empowered by the State Government in this behalf or a District Magistrate or Sub-Divisional Magistrate, or any other Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf" shall be substituted.

28. Amendment of section 144.—In sub-section ( ) of section 144 of the principal Act, for the words and brackets "any other Magistrate, (not being a Magistrate of the third Class)", the words "any other Executive Magistrate" shall be substituted.

29. Amendment of section 164.—In sub-section (1) of section 164 of the principal Act, for the words "any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf by the State Government" the words "any District Magistrate, any Sub-Divisional Magistrate, any Magistrate of the first class or any other Magistrate specially empowered by the State Government in this behalf" shall be substituted.

30. Amendment of section 167.—In section 167 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Any Magistrate giving such order shall forward a copy of his order with his reasons for making it, to the Sessions Judge."

31. Amendment of section 170.—In section 170 of the principal Act, sub-section (3) shall be omitted.

32. Amendment of section 186.—In sub-section (1) of section 186 of the principal Act, for the words "a presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or if he is specially empowered in this behalf by the State Government, a Magistrate of the first class" the words " a Judicial Magistrate" shall be substituted.

33. Amendment of section 187.—In sub-section (1) of section 187 of the principal Act, for the words "by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-Divisional Magistrate" the words "the Magistrate issuing the warrant shall send the person arrested to the Sessions Judge', shall be substituted.

34. Amendment of section 190.—In section 190 of the principal Act,—

(1) in sub-section (1),

(a) the words "District Magistrate or Sub-Divisional Magistrate," shall be omitted;

(b) for the words "any other Magistrate" the words "any Magistrate of the first class, or any Magistrate of the second or third class" shall be substituted;

(2) sub-sections (2) and (3) shall be omitted.

35. Amendment of section 192.—In section 192 of the principal Act,

(1) sub-section (1) shall be omitted.

(2) in sub-section (2),—

(*a*) for the words "Any District Magistrate" the words "A Sessions Judge" shall be substituted;

(*b*) for the words "in his district", the words "in the Sessions Division" shall be substituted.

36. Amendment of section 206.—In sub-section (1) of section 206 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

37. Amendment of section 249.—In section 249 of the principal Act, the words "a Presidency Magistrate, a Magistrate of the First Class or with the previous sanction of the District Magistrate, any other Magistrate" the words "a Judicial Magistrate" shall be substituted.

38. Amendment of section 260.—In sub-section (1) of section 260 of the principal Act, the clause "(*a*) District Magistrate" shall be omitted.

39. Amendment of section 337.—In the proviso to sub-section (1) of section 337 of the principal Act, the words "other than the District Magistrate" shall be omitted; and for the words "sanction of the District Magistrate", the words "sanction of the Sessions Judge" shall be substituted.

40. Amendment of section 346.—In sub-section (1) of section 346 of the principal Act, after the words "District Magistrate" the words "or Sessions Judge, as the case may be," shall be inserted.

41. Amendment of section 349.—In section 349 of the principal Act,—

(1) in sub-section (1), for the words "to the District Magistrate or Sub-Divisional Magistrate, to whom he is

subordinate", the words "to a Magistrate of the first class specially empowered in this behalf by the State Government" shall be substituted;

(2) in sub-section (1A), for the words "the District Magistrate or Sub-Divisional Magistrate", the words, brackets and figure "the Magistrate empowered under sub-section (1)" shall be substituted.

42. Amendment of section 380.—In section 380 of the principal Act, the words "or a Sub-Divisional Magistrate" shall be omitted.

43. Amendment of section 406A.—In section 406A of the principal Act, for clauses (*b*) and (*c*), the following clause shall be substituted, namely :—

"(*b*) if made by any other Magistrate, to the Court of Session."

44. Insertion of new section 406AA.—After section 406A of the principal Act, the following section shall be inserted, namely :—

"**406AA. Appeal from direction made by District Magistrate to make further inquiry into proceedings in which an order of relase or discharge has been made under section 119.**—Any person aggrieved by a direction made by a District Magistrate under sub-section (2) of section 436 requiring any Sub-Divisional Magistrate or any other Executive Magistrate subordinate to him, to make further inquiry into any proceedings in which an order of release or discharge has been made by him under section 119, may appeal against such directions to the Court of Session."

45. Substitution of new section for section 408.—For section 408 of the principal Act, the following section shall be substituted, namely :—

"**408. Appeal from sentence of Assistant Sessions Judge or any Magistrate.**—Any person convicted on a trial held by an Assistant Sessions Judge or a Judicial Magistrate

or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate may appeal to the Court of Session :

Provided that—

(1) when in any case an Assistant Sessions Judge or a Judicial Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, the appeal of all or any of the accused convicted at such trial shall lie to the High Court ; and

(2) when any person is convicted for an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court."

46. Amendment of section 413.—In section 413 of the principal Act, for the words "District Magistrate or other Magistrate", the words "a Magistrate" shall be substituted.

47. Amendment of section 435.—In section 435 of the principal Act,

(i) in sub-section (1) the words "or District Magistrate, or any Sub-Divisional Magistrate empowered by the State Government in this behalf" and the explanation to the said sub-section shall be omitted ;

(ii) sub-sections (2) and (4) shall be omitted.

48. Amendment of section 436.—In section 436 of the principal Act, for the words "may direct the District Magistrate by himself or by any of the Magistrates subordinate to him, to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make," the words "may direct the Judicial Magistrate to make" shall be substituted.

49. Amendment of section 437.—In section 437 of the principal Act, the words "or District Magistrate" and "or Magistrate" wherever they occur shall be omitted.

50. Amendment of section 438.—In section 438 of the principal Act, the words "or District Magistrate" shall be omitted.

51. Insertion of new section 476C.—After section 476B of the principal Act, the following section shall be inserted, namely :—

"**476C. Power to order costs.**—A criminal court dealing with an application made to it for filing a complaint under section 476 or section 476A, and a court dealing with an appeal under section 476B and the High Court dealing with an application for revision shall have power to make such order as to costs as may be just :

Provided that no such order shall be made against the Government or any other public servant acting on behalf of the Government."

52. Amendment of section 479.—In section 479 of the principal Act, the words "District Magistrate" shall be omitted.

53. Amendment of section 438.—In sub-section (1) of section 438 of the principal Act, the words "the District Magistrate" and "a Sub-divisional Magistrate" shall be omitted.

54. Amendment of section 515.—In section 515 of the principal Act,

(i) the words "or District Magistrate" shall be omitted; and

(ii) for the words "the District Magistrate" the words "the Sessions Judge" shall be substituted.

55. Insertion of new Chapter XLII A.—After Chapter XLII of the principal Act, the following chapter shall be inserted, namely :—

"CHAPTER XLII A.

OF COSTS TO BE PAID BY THE COMPLAINANT OR INFORMANT

56AA. Power to order costs against complainant or informant.—(1) If in any case instituted upon complaint or upon information given to a Police Officer or to a Magistrate, the accused is ordered to be discharged or acquitted by any court (including a court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A, and if such court is of the opinion that the complaint was made or the information was given without any reasonable and probable cause, it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person ; or if the complainant or informant is not present, direct the issue of notice to him to appear and show cause as aforesaid.

(2) The court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fee which the court considers reasonable.

(3) The court may, by the order directing the payment of costs under sub-section (2), further order that on default of payment, the person ordered to pay such costs shall suffer simple imprisonment for a pericd not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, shall, so far as may be, apply.

(5) No person who has been directed to pay costs by an order made under this section shall, by reason of such

order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(6) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or the informant may, within sixty days from the date of the order, appeal against it to the Court of Session.

(7) In cases where the order is appealable under sub-section (6), the costs shall not be paid before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and in other cases, the costs shall not be paid before the expiration of one month from the date of the order."

56. Amendment of section 524.—In sub-section (1) of section 524 of the principal Act, for the words "of a Magistrate of the first class", the words "of an Executive Magistrate" shall be substituted.

57. Amendment of section 528.—In section 528 of the principal Act,—

(i) in sub-section (2), for the words "District Magistrate, or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(ii) in the marginal note to sub-section (2), for the words "District or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

(3A) Where the District Magistrate authorised under sub-section (3) withdraws any case from any Magistrate subordinate to him, he may enquire into or try such case himself or refer it for inquiry or trial to any other Magistrate subordinate to him and competent to enquire into or try the same."

(iv) sub-section (6) shall be omitted.

58. Insertion of new sections 539C and 539D.—After section 539B of the principal Act, the following sections shall be inserted, namely :—

"**539C. Other powers of magistrates.**—Any magistrate shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix seals thereon, as may be prescribed by any law for the time being in force.

539D. Attestation, etc., of documents and use of seal by Justice of the Peace.—Any Justice of the Peace (not being a legal practitioner) shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix such seal thereon as may be prescribed by the State Government by notification in the official Gazette."

59. Insertion of new sections 554-A and 554-B.—After section 554 of the principal Act, the following sections shall be inserted namely :—

554A. Seal of Courts.—Every Criminal Court under this Code shall use a seal which shall bear thereon the Mysore State Emblem and shall be in such form, of such dimensions and with the name of the Court in such languages as the State Government may by order in the official Gazette determine.

554B. Holidays.—The Criminal Courts in the State or in any area of the State shall be closed on such days as may be notified by the State Government in the official Gazette as public holidays for the whole State or for such area in the State."

60. Amendment of section 559.—In sub-section (2) of section 559 of the principal Act, for the words "the District Magistrate" the words "the Sessions Judge" shall be substituted.

61. Amendment of section 561.- -In section 561 of the principal Act, for the words "District Magistrate" in both the places where they occur, the words "a Magistrate of the first class" shall be substituted.

62. Amendment of section 562.—In the proviso to sub-section (1) of section 562 of the principal Act, the words "or Sub-divisional Magistrate" shall be omitted.

63. Amendment of section 565.—In sub-section (1) of section 565 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

64. Amendment of Schedule II—In column 8 of Schedule II to the principal Act,—

(i) for the words "Any Magistrate" wherever they occur, the words "Any Judicial Magistrate" shall be substituted;

(ii) in the entry relating to section 124A, the words "or District Magistrate" shall be omitted;

(iii) in the entry relating to section 376, for the words "District Magistrate", the words "Magistrate of the First Class" shall be substituted;

(iv) in the entry relating to section 509, in the third column, for the words "Shall not", the word "May" shall be substituted; and

(v) in the entry relating to section 510, in the third column, for the word "Ditto", the words "Shall not arrest without warrant" shall be substituted.

65. Amendment of Schedule III.—In Schedule III to the principal Act,—

(a) in item (17) of Part I, for the words "District Magistrate", the words "Sessions Judge" shall be substituted;

(b) in Part III,—

(i) after item (1), the following item shall be inserted, namely :—

"(1A) Power to direct warrants to land-holders, section 78."

(ii) items (4), (5) and (6A) shall be omitted ;

(iii) after item (7b), the following item shall be inserted namely :—

"(7c) Power to take cognisance of offences upon complaint, upon police report and without complaint, section 190."

(c) after Part III, the following Part shall be inserted, namely :—

"**IIIA. Ordinary powers of a Taluk Magistrate.**— (1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence, of an offender, section 65.

(3) Power to endorse a warrant, or, to order removal of an accused person arrested under a warrant, sections 83, 84 and 85.

(4) Power to require search to be made for letters and telegrams, section 95.

(5) Power to issue search warrant, section 96.

(6) Power to endorse a search warrant and order delivery of things found, section 99.

(7) Power to command unlawful assembly to disperse, section 127.

(8) Power to use civil force to disperse unlawful assembly, section 128.

(9) Power to require military force to be used to disperse unlawful assembly, section 130.

(10) Power to recover penalty on forfeited bond, section 514; and to require fresh security, section 514A.

(11) Power to make order as to disposal of property, section 517.

(12) Power to sell perishable property, section 525."

(*d*) in Part IV,—

(i) for item (1), the following item shall be substituted, namely :—

"(1) The ordinary powers of a Taluk Magistrate".

(ii) after item (2), the following items shall be inserted, namely :—

"(2a) Power to issue search warrant otherwise than in the course of an inquiry, section 98.

(2b) Power to issue search warrant for discovery of persons wrongfully confined, section 100.

(2c) Power to require security to keep the peace, section 107.

(2d) Power to require security for good behaviour, section 108.

(2e) Power to require security for good behaviour, section 109."

(iii) after item (3), the following items shall be inserted, namely :—

"(4) Power to discharge sureties, section 126A.

(4a) Power to make orders as to local nuisances, section 133."

(iv) after item (8), the following item shall be inserted, namely :—

"(8a) Power to record statements and confessions during a police investigation, section 164."

(v) for item (9), the following item shall be substituted, namely :—

"(9) Power to hold inquests, section 174."

(vi) items (12) to (16) both inclusive shall be omitted.

(vii) item (19) shall be omitted.

(*e*) In Part V,—

(i) items (1a), (7), (8), (9), (9a), (10), (11), (12), (13), (14) and (19) shall be omitted.

(ii) in item (4), the words "in case of sedition" shall be omitted.

66. Substitution of new Schedule for Schedule IV.—For Schedule IV to the principal Act, the following Schedule shall be substituted, namely :—

SCHEDULE IV

(*See* sections 37 and 38)

PART I

Additional powers with which Magistrates may be invested. By the State Government.

I. Powers with which a Magistrate of the First Class may be invested :—

(1) Power to require security to keep peace, section 107.

(2) Power to require security for good behaviour in case of sedition section 108.

(3) Power to require security for good behaviour section 109.

(4) Power to require security for good behaviour section 110.

(5) Power to make orders as to local nuisances section 133.

(6) Power to make orders prohibiting repetition of nuisances, section 143.

(7) Power to make orders under section 144.

(8) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.

(9) Power to try summarily section 260.

(10) Power to pass sentence on proceedings recorded by a Magistrate of the Second Class or Third Class, section 349.

(11) Power to try cases under section 124A of the Indian Penal Code.

II. Powers with which a Magistrate of the Second Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.

(2) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.

(3) Power to hold inquests, section 174.

(4) Power to take cognizance of offences upon complaint, section 190.

(5) Power to take cognizance of offences upon police reports, section 190.

(6) Power to take cognizance of offences without complaint, section 190.

(7) Power to commit for trial, section 206.

(8) Power to make order as to first offenders, section 562.

III. Powers with which a Magistrate of the Third Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.

(2) Power to hold inquests, section 174.

(3) Power to take cognizance of offences upon complaint, section 190.

(4) Power to take cognizance of offences upon police reports, section 190.

(5) Power to take cognizance of offences without complaints, section 190.

IV. Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetition of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to make record statements and confessions during a police investigation, section 174.

(4) Power to hold inquests, section 174.

(5) Power to sell property alleged or suspected to have been stolen, etc., section 524.

Part II

By a District Magistrate.—Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144."

67. Amendments to certain Acts specified in the Schedule.—The Acts specified in the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Mysore are hereby amended to the extent mentioned in the Third column of the Schedule.

68. Amendments not to render invalid notifications, orders, etc., issued before commencement of the Act.—The provisions of this Act, which amend the Code of Criminal Procedure, 1898, and any Act specified in the Schedule so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule, regulation or instrument duly made or issued or anything duly done before the commencement of this Act; and any such notification, order, commitment, attachment, bye-law, rule, regulation or instrument or thing done may be revoked,

varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act, by a competent authority and in accordance with the provisions then applicable to such case.

69. Saving.—(1) Save as provided in this section, nothing in this Act shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequences of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(*d*) any investigation, legal proceedings or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ; and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, for feiture or punishment may be imposed in accordance with the provisions of the relative enactments as amended by this Act.

(2) All legal proceedings pending before a magistrate or court on the date on which this Act comes into force shall, if such magistrate or court ceases to have jurisdiction in respect of such proceedings under the provisions of the relative enactment as amended by this Act, stand transferred to the magistrate or court having jurisdiction as amended by this Act, and shall be heard and disposed of by such magistrate or court and such magistrate or the court shall have all the powers and jurisdiction thereof as if they ha been originally instituted before such magistrate or in such court.

SCHEDULE

(*See* section 67)

Sl. No.	Short title	Extent of amendment
1	The Press and Registration of Books Act, 1867.	In section 1, for the words "Magistrate" means any person exercising the full powers of a magistrate and includes a magistrate of Police",the words"Magistrate" means Judicial Magistrate" shall be substituted.
2	The Sarais Act, 1867	In section 14, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
3	The Indian Christian Marriage Act, 1872.	In section 7, for the words "Magistrate of the district" the words "District Magistrate" shall be substituted.
4	The Indian Fisheries Act 1897.	In section 7, for the word "Magistrate" the words "Judicial Magistrate", shall be substituted.
5	The Indian Electricity Act, 1910.	In section 54, for the words "a Magistrate", the words "an Executive Magistrate" shall be substituted.
6	The Lunacy Act, 1912	In section 3, for clause (6), the following clause shall be substituted, namely:— "(6) Magistrate" means a Judicial Magistrate".
7	The Payment of Wages Act, 1936.	In section 15 for the words "Stipendiary Magistrate", the words "Judicial Magistrate" shall be substituted.
8	The Minimum Wages Act, 1948.	In sub-section (1) of section 20, for the words "Stipendiary Magistrate"thewords Judicial Magistrate"shall be substituted.
9	The Madras Coffee Stealing Prevention Act, 1878.	(i) In section 6, for the word" Magistrate" the words "Executive Magistrate" shall be substituted. (ii) For the word "Magistrate" occurring in sections 9 and 13, the words "Judicial Magistrate" shall be substitued.

Sl. No.	Short title	Extent of amendment
10	The Madras Public Health Act, 1939.	(i) In section 46, for the words "a Magistrate", the words "an Executive Magistrate" shall be substituted. (ii) In section 75, for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted. (iii) In section 76, in clause (*a*) of sub-section (3), for the words "a Magistrate" occurring for the first time, the words "an Executive Magistrate" shall be substituted. (iv) In section 141, for the words "nearest Magistrate", the words "nearest Judicial Magistrate" shall be substituted.
11	The Madras Compulsory Labour Act, 1858.	In section 2, for the word "Magistrate" at both the places in which it occurs the words "Judicial Magistrate" shall be substituted.
12	The Mysore Coffee Stealing Prevention Act 1878.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
13	The Land Acquisition Act, 1894.	(i) In section 46, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 47, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
14	The Mysore Lepers Act, 1925.	(i) In section 7,— (*a*) in clause (b) of sub-section (1), for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted; (*b*) in sub-section (2), for the word "Magistrate" at the two places where it occurs, the words "Executive Magistrate" shall be substituted.

Sl. No.	Short title	Extent of amendment
		(ii) In section 8, in sub-section (1), for the words " Magistrate of the First class or to any other Magistrate ", the words " any other Executive Magistrate " shall be substituted.
15	The Mysore Public Health Act, 1944.	(i) In section 47, for the words " to a Magistrate ", the words " to an Executive Magistrate " shall be substituted. (ii) In section 68, for the words " a Magistrate ", the words " an Executive Magistrate " shall be substituted. (iii) In Section 77, in clause (a) of sub-section (3), for the words " before a Magistrate ", the words " before an Excutive Magistrate " shall be substituted. (iv) In section 75, for the words " any Magistrate" the words " any Executive Magistrate" and for the words " a Magistrate " wherever it occurs, the words " an Executive Magistrate" shall be substituted. (v) In section 76, for the words " any Magistrate " the words " any Executive Magistrate " shall be substituted. (vi) In section 143, in clause (b), for the word " Magistrate ", the words " a Judicial Magistrate " shall be substituted.
16	The Mysore Prohibition of Beggary Act, 1944.	(i) For the words " the Magistrate " occurring in sections 15 and 16 and in sub-section (1) of section 18, the words " the Executive Magistrate " shall be substituted. (ii) For the word " Magistrate " occurring in sub-section (2) of section 18 and in section 20, the words " Judicial Magistrate " shall be substituted.

Sl. No.	Short title	Extent of amendment
17	The Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.	In section 18, (a) in clause (2) for the words "a Magistrate of the First Class", the words "an Executive Magistrate" shall be substitued. (b) in clause (c), for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
18	The Mysore Police Act, 1963.	(i) In section 67, for the word "Magistrate" the words "Judical Magistrate" shall be subsituted. (ii) In sectiou 71, for the word "Magistrate the words "Judicial Magistrate" shall be substitued, (iii) In section 72, for the word "Magistrate" the words "Executive Magistrate" shall be substited. (iv) In section 121, for the word "Magistrate", the words Judicial Magistrate shall be substituted.
19	The Mysore Prisons Act: 1963 (Mysore Act 33 of 1963).	In sub-section (2) of section 57, for the words "before a Magistrate", the words "before a Judicial Magistrate" shall be substituted.
30	The Coorg Registration of Births and Deaths Act: 1932.	In section 18, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
21	The Coorg Agricultural Pests and Diseases Act, 1933.	(i) In section 15, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 16, for the word "Magistrate", the words "Judicial Magistrate shall be substituted.
22	The Hyderabad Ferries Act, 1314 Fasli.	In section 29, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
23	The Cattle Trespass Act, 1337 Fasli.	(i) In section 18, in sub-section (1), for the word "Magistrate," the words "Judicial Magistrate" shall be substituted. (ii) In section 21, for the words "Taluk Magistrate",, the words "Judicial Magistrate" shall be substituted.

Sl. No.	Short title	Extent of amendment
24	The Prevention of Beggary Act, 1350 Fasli.	In section 2, in sub-section (2), for the words "the Magistrate" the words "an Executive Magistrate" shall be substituted.
25	The Hyderabad Fisheries Act, 1356 Fasli.	In section 6, in sub-section (2), for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.
26	The Hyderabad Registration of Births and Deaths Regulation, 1359 Fasli.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
27	The Hyderabad Leprosy Act, 1953.	(i) In section 7, in clause (b), for the words "before a Magistrate" the words "before an Executive Magistrate" shall be substituted. (ii) In section 8, the words "any Magistrate of the First Class or to" shall be omitted. (iii) In section 9, in the proviso, for the words 'the Magistrate", the words "Judicial Magistrate" shall be substituted. (iv) In section 10, (a) in sub-section (1), for the words "the Magistrate", the words "the Judicial Magistrate" shall be substituted. (b) sub-section (3) shall be omitted. (v) In section 11, for the words "before the Magistrate", the words "before the Judicial Magistrate" shall be substituted.

Statement of Objects and Reasons

The scheme of separation of the judiciary is in force in all the integrated areas of the State. The scheme has been given effect to in accordance with the executive orders issued in this behalf, in all the integrated areas, except the Bombay Area. In Bombay Area, the scheme has been given effect to by the Bombay Separation of Judicial and Executive Functions Act, 1951. The Law Commission in its report on the reform of Judicial Administration has observed that the scheme of separation could be more effectively brought into operation by undertaking legislation on the lines of the Bombay Separation of Judicial and Executive Functions Act, 1951 (Bombay Act XXIII of 1951). It is therefore considered expedient to amend the Code of Criminal Procedure in its application to the State of Mysore so as to provide for a uniform law for the separation of the performance of judicial functions and executive functions by the officers in the State. Opportunity has been taken to make certain other amendments considered necessary.

M. V. RAMA RAO.

G. S. VENKATARAMANA IYER.
Secretary,

ANNEXURE

EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE, 1898 (CENTRAL ACT 5 OF 1898).

* * *

6. *Classes of Criminal Courts.*—Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in India, namely :—

I. Courts of Session.
II. Presidency Magistrates.
III. Magistrates of the First Class.
IV. Magistrates of the Second Class.
V. Magistrates of the Third Class.

7. *Sessions divisions and districts.*—(1) Every State excluding the presidency-towns shall be a sessions division, or shall consist of sessions divisions ; and every sessions division shall, for the purposes of this Code, be a district of consist or districts.

Power to alter divisions and districts.—(2) The State Government may alter the limits, or the number of such divisions and districts.

Existing divisions and districts maintained till altered.—(3) The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

Presidency towns to be deemed districts.—(4) Every presidency-town shall, for the purposes of this Code, be deemed to be a district.

* * * *

10. *District Magistrate.*—(1) In every district outside the presidency-towns the State Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

(2) The State Government may appoint any Magistrate of the first class to be an Additional District Magistrate and such Additional District Magistrate shall have all or any of powers of a District Magistrate under this Codeor under any other law for the time being in force as the State Government may direct.

(3) For the purposes of Sections 192, sub-S (1), S 407, sub-S (2) and S 528, sub-section (2) and (3) such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate.

12. *Subordinate Magistrates and local limits of their jurisdiction.*—(1) The State Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any district outside the presidency-towns; and the State Government or the District Magistrate, subject to the control of the State Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under the Code.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district.

13. *Power to put Magistrate in charge of sub-division.*—(1) The State Government may place any Magistrate of the first or second class in charge of a sub-division, and relieve him of the charge as occasion requires.

(2) Such Magistrates shall be called sub-divisional Magistrates.

Delegation of powers to District Magistrate.—(3) The State Government may delegate its powers under this section to the District Magistrate.

14. *Special Magistrates.*—(1) The State Government may confer upon any person who holds or has held any judicial post under the Union or a State or possesses such other qualifications as may, in consultation with the High Court be specified in this behalf by the State Government by notification in the Official Gazette all or any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area outside the presidency towns.

(2) Such Magistrate shall be called Special Magistrates, and shall be appointed for such term as the State Government may by general or special order direct.

(3) The State Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by sub-section (1).

(4) No powers shall be conferred under this section on any Police Officer below the grade of Assistant District Superintendent, and no powers shall be conferred on a Police Officer except so far as may be necessary for preserving the peace, preventing crime and

detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

15. *Benches of Magistrates.*—(1) The State Government may direct any two or more Magistrates in any place outside the presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such power in such cases, or such classes of cases only, and within such local limits, as the State Government thinks fit.

* *

16. *Power to frame rules for guidance of Benches.*—The State Government may, or, subject to the control of the State Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates Benches in any district respecting the following subjects :

(*a*) the classes of cases to be tried ;
(*b*) the times and places of sitting ;
(*c*) the constitution of the Bench for conducting trials ;
(*d*) the mode of setting differences of opinion which may arise between the Magistrates in session.

17. *Subordinaton of Magistrates and Benches to District Magistrate.*—(1) All Magistrates appointed under sections 12, 13 and 14, and all benches constituted under section 15 shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches ; and

to Sub-Divisional Magistrate.—(2) Every Magistrate other than a Sub-Divisional Magistrate and every Bench exercising powers in a sub-division shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate.

* * * *

(5) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided :

28. Subject to the other provisions of this Code any offence under the Indian Penal Code may be tried—

(*a*) by the High Court or

(*b*) by the Court of Session, or

(*c*) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

29. *Offences under other laws.*—(1) Subject to the other provisions of this Code any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

(2) When no Court is so mentioned, it may be tried by the High Court or subject as aforesaid by any Court constituted under this Code by which such offence is shown in the eighth column of the second schedule to be triable.

29-B. *Jurisdiction in the case of juveniles.*—Any offence, other than one punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the Court is under the age of fifteen years, may be tried by a District Magistrate or a Chief Presidency Magistrate, or by any Magistrate specially empowered by the State Government to exercise the powers conferred by section 8, sub-section (1), of the Reformatory Schools Act, 1897 (8 of 1897) or in any area in which the said Act has been wholly or in part repealed by any other law providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby.

30. *Offences punishable with imprisonment not exceeding seven years.*—Notwithstanding anything contained in section 28 or section 29, the State Government may, in consultation with the High Court, invest any District Magistrate, Presidency Magistrate or Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with imprisonment for life or with imprisonment for a term exceeding seven years :

Provided that no District Magistrate, Presidency Magistrate or Magistrate of the first class shall be invested with such powers unless he has, for not less than ten years, exercised as a Magistrate powers not inferior to those of a Magistrate of the first class.

* * * *

36. *Ordinary powers of Magistrates.*—All Districts Magistrates, Sub-Divisional Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them and specified in the Third Schedule. Such powers are called their ordinary powers.

37. *Additional powers conferrable on Magistrates.*—In addition to his ordinary powers, any Sub-Divisional Magistrate or any Magistrate of the first, second or third class may be invested by the State

Government or the District Magistrate, as the case may be, with any powers specified in the Fourth Schedule as powers with which he may be invested by the State Government or the District Magistrate.

38. *Control of District Magistrate's investing powers.*—The powers conferred on the District Magistrate by Section 37 shall be exercised subject to the control of the State Government.

* * * *

57. *Refusal to give names and residence.*—(1) when any person who in the presence of a Police Officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required :

Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

* * * *

63. *Discharge of person apprehended.*—No person who has been arrested by a Police Officer shall be discharged except on his own bond. or on bail, or under the special order of a Magistrate.

* * *

78. *Warrant may be directed to landholders, etc.*—(1) A District Magistrate or Sub-Divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

*

88. *Attachment of property of person absconding.*—(1) The Court issuing a proclamation under section 87 may at any time order the attachment of any property, movable or immovable. or both, belonging to the proclaimed person.

* *

(6-A) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part :

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

(6-B) Claims or objections under sub-section (6-A) may be preferred or made in the Court by which the order of attachment is isssued ; or if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate or Chief Presidency Magistrate in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(6-C) Every such claim or objection shall be inquired into by the Court in which it is preferred or made:

Provided that, if it is preferred or made in the Court of a District Magistrate or Chief Presidency Magistrate, such Magistrate may make it over for disposal to any Magistrate of the first or second class or to any Presidency Magistrate, as the case may be, subordinate to him.

106. *Security for keeping the peace on conviction.*—(1) Whenever any person accused of any offence punishable under Chapter VIII of the Indian Penal Code, other than an offence punishable under section 143, section 149, section 153A or section 154 thereof, or of assault or other offence involving a breach of the peace, or of abetting the same or any person accused of committing criminal intimidations, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

* * *

107. *Security for keeping the peace in other cases.*—(1) Whenever a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate if in his opinion there is sufficient ground for proceeding may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

* * *

108. *Security for good behaviour from persons disseminating seditious matter.*—Whenever a Chief Presidency or District Magistrate, or a Presidency Magistrate or Magistrate of the first class specially empowered by the State Government in this behalf, has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing, or in any other manner intentionally disseminates or attempts to disseminate, or in anywise abets the dissemination of,—

(*a*) any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, or

(*b*) any matter the publication of which is punishable under section 153A of the Indian Penal Code, or

(*c*) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code,

such Magistrate, if in his opinion there is sufficient ground for proceeding may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867, with reference to any matter contained in such publication except by the order or under the authority of the State Government or some officer empowered by the State Government in this behalf.

* * * *

126. *Discharge of sureties.*—(1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-Divisional

Magistrate or Magistrate of the first class to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

(2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

* * * *

133. *Conditional order for removal of nuisance.*—(1) Whenever a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class considers, on receiving a police report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or,

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation; or

to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

to prevent or stop the erection of or to remove, repair or support such building, tent or structure; or

to remove or support such tree; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to destroy, confine or dispose of such dangerous animal in the manner provided in the said order;

or, if he objects so to do,

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

* * *

143. *Magistrate may prohibit repetition or continuance of public nuisance.*—A District Magistrate or Sub-Divisional Magistrate, or any other Magistrate empowered by the State Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

144. *Power to issue order absolute at once in urgent cases of nuisance or apprehended danger.*—(1) In cases where, in the opinion of a District Magistrate, a Chief Presidency Magistrate, a Sub-Divisional Magistrate, or of any other Magistrate not being a Magistrate of the third class specially empowered by the State Government or the Chief Presidency Magistrate or the District Magistrate to act under this section, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable.

Such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, or an affray.

* * * *

164. *Power to record statements and confessions.*—(1) Any Presidency Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by

the State Government may, if he is not a Police Officer record any [illegible] to him in the course of an investigation under this Chapter or under any other law for the time being in force or at any time afterwards before the commencement of the inquiry or trial.

* * *

167. *Procedure when investigation cannot be completed in twenty-four hours.*—(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61 and there [illegible] that the accusation or information is well-[illegible], the officer in charge of the police station or the police officer making the investigation if he is not below the rank of Sub-Inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction :

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the State Government shall authorize detention in the custody of the police.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) If such order is given by a Magistrate other than the District Magistrate or Sub-Divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

* *

170. *Case to be sent to Magistrate when evidence is sufficient.*—

* * * *

(2) When the officer in charge of a police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted

with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the District Magistrate or Sub-Divisional Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

* * * *

186. *Power to issue summons or warrant for offence committed beyond local jurisdiction—Magistrate's procedure on arrest.*—(1) When a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate, or, if he is specially empowered in this behalf by the State Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits of whether within or without India an offence which cannot, under the provisions of sections 177 to 185 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

* * * *

187. *Procedure where warrant issued by Subordinate Magistrate.*—(1) If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-Divisional Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the police officer executing such warrant or shall be sent to the Magistrate by whom such warrant was issued.

* * * *

190. *Cognizance of offences by Magistrates.*—(1) Except as hereinafter provided, any Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate and any other Magistrate specially empowered in this behalf may take cognizance of any offence—

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a report in writing of such facts made by any police officer;

(c) upon information received from any person other than a police officer, or upon his own knowledge or suspicion, that such offence has been committed.

(2) The State Government or the District Magistrate subject to the general or special orders of the State Government, may empower any Magistrate to take cognizance under sub-section (1), clause (*a*) or clause (*b*), of offences for which he may try or commit for trial.

(3) The State Government may empower any Magistrate of the first or second class to take cognizance under sub-section (1), clause (*c*), of offences for which he may try or commit for trial.

* * * *

192. *Transfer of cases by Magistrates.*—(1) Any Chief Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate may transfer any case of which he has taken cognizance, for enquiry or trial, to any Magistrate subordinate to him.

(2) Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case to transfer it for inquiry or trial to any other specified Magistrate in his district who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

206. *Power to commit for trial.*—(1) Any Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class, or any Magistrate (not being a Magistrate of the third class) empowered in this behalf by the State Government, may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

* * * *

249. *Power to stop proceedings when no complainant.*—In any case instituted otherwise than upon complaint a Presidency Magistrate, a Magistrate of the first class, or with the previous sanction of the District Magistrate, any other Magistrate, may for reasons to be recorded by him, stop the proceedings, at any stage without pronouncing any judgement either of acquittal or conviction, and may thereupon release the accused.

* *

260. *Power to try summarily.*—(1) Notwithstanding anything contained in this Code—

(*a*) the District Magistrate,

(*b*) any Magistrate of the first class specially empowered in this behalf by the State Government, and

(c) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the State Government, may, if he or they think fit, try in a summary way all or any of the following offences :

* * * *

337. *Tender of pardon to accomplice.*—(1) In the case of any offence triable exclusively by the High Court or Court of Session, or any offence punishable with imprisonment which may extend to seven years or any offence under any of the following sections of the Indian Penal Code, namely, Sections 161, 165, 165-A, 216-A, 369, 401, 435 and 477-A, the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate or any Magistrate of the first class may, at any stage of the investigation or inquiry into, or the trial of the offence with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor, in the commission thereof:

Provided that, where the offence is under inquiry or trial, no Magistrate of the first class other than the District Magistrate shall exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and, where the offence is under investigation, no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the District Magistrate has been obtained to the exercise thereof.

* * * *

346. *Procedure of* [*State*] *Magistrate in cases which he cannot dispose of.*—(1) If, in course of an inquiry or a trial before a Magistrate in any district outside the presidency towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

* *

349. *Procedure when Magistrate cannot pass sentence sufficiently severe.*—(1) Whenever a Magistrate of the second or third class, having juridiction, is of opinion, after having the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under Section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-Divisional Magistrate to whom he is subordinate.

(1-A) When more accused than one are being tried together and the Magistrate considers it necessary to proceed under sub-section (1) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the District Magistrate or Sub-Divisional Magistrate.

380. *Procedure in cases submitted by Magistrate not empowered to act under Section 562.*—Where proceedings are submitted to a Magistrate of the first class or a Sub-Divisional Magistrate as provided by Section 562, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

* *

406-A. *Appeal from order refusing to accept or rejecting a surety.*—Any person aggrieved by an order refusing to accept or rejecting a surety under Section 122 may appeal against such order—

(*a*) if made by a Presidency Magistrate, to the High Court;

(*b*) if made by the District Magistrate, to the Court of Session; or

(*c*) if made by a Magistrate, other than the District Magistrate, to the District Magistrate.

*

408. *Appeals from sentence of Assistant Sessions Judge or any other Magistrate.*—Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or any other Magistrate, or any person sentenced under Section 349 or in respect

of whom an order has been made or sentence has been passed under Section 380 by any Magistrate, may appeal to the Court of Session :

Provided as follows :

*

(*b*) when in any case an Assistant Sessions Judge or a Magistrate specially empowered under Section 30 passes any sentence of imprisonment for a term exceeding four years, of all or any of the accused convicted at such trial shall lie to the High Court ;

(*c*) when any person is convicted by a Magistrate of an offence under Section 124-A of the Indian Penal Code, the appeal shall lie to the High Court.

*

413. *No appeal in petty cases.*—Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a High Court passes sentence of imprisonment not exceeding six months only or of fine not exceeding two hundred rupees only or in which a Court of Session passes a sentence of imprisonment not exceeding one month only, or in which a Court of Session or District Magistrate or other Magistrate of the first class passes a sentence of fine not exceeding fifty rupees only.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

435. *Power to call for records of inferior Courts.*—(1) The High Court or any Sessions Judge or District Magistrate, or any Sub-Divisional Magistrate empowered by the State Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court and may, when calling for such record, direct that the execution of any sentence or order be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

Explanation.—All Magistrates, whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge, for the purposes of this sub-section and of section 437.

(2) If any Sub-Divisional Magistrate acting under sub-section (1) considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

(4) If an application under this section has been made either to the Sessions Judge or District Magistrate, no further application shall be entertained by either of them.

437. *Power to order commitment.*—When, on examining the record of any case under section 435 or otherwise, the Sessions Judge or District Magistrate considers that such case is triable exclusively by the Court of Session and that an accused person has been improperly discharged by the inferior Court, the Sessions Judge or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been in the opinion of the Sessions Judge or District Magistrate, improperly discharged:

Provided as follows :—

(*a*) that the accused has had an opportunity of showing cause to such Judge or Magistrate why the commitment should not be made ;

(*b*) that, if such Judge or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Judge or Magistrate may direct the inferior Court to inquire into such offence.

438. *Report to High Court.*—(1) The Sessions Judge or District Magistrate may, if he thinks fit, on examining under Section 435 or otherwise the record of any proceeding, report for the orders of the High Court the result of such examination, and, when such report contains a recommendation that a sentence or an order be reversed or altered, may order that the execution of such sentence or order be suspended, and, if the accused is in confinement, that he be released on bail or on his own bond.

CHAPTER XXXV

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE

* * *

479. *Procedure of Civil or Revenue Court in such cases.*—When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorised to commit for trial, and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

*

488. *Order for maintenance of wives and children.*—(1) If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding five hundred rupees in the whole, as such Magistrate thinks fit and to pay the same to such person as the Magistrate from time to time directs.

* *

PROCEDURE ON FORFEITURE OF BOND

514. (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class.

or, when the bond is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any moveable property belonging to

such person without such limits when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the Civil Jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond [1](* * *).

(7) When any person who has furnished security under Section 106 or Section 118 or Section 562 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under Section 514-B a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties and, if such certified copy is so used the Court shall presume that such offence was committed by him unless the contrary is proved.

515. *Appeal from, and revision of, orders under section* 514.— All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate, shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

* *

CHAPTER XLIII

Of Disposal of Property

* * *

524. *Procedure where no claimant appears within six months.*— (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the State Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate, or of a Magistrate of the first class empowered by the State Government in this behalf.

* * * *

528. (1) * * *

(2) Any Chief Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

(3) The State Government may authorize the District Magistrate to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

* *

(6) The head of a village under the Madras Village Police Regulation, 1816, or the Madras Village Police Regulation, 1821, is a Magistrate for the purpose of this section.

* * *

559. *Provision for powers of Judges and Magistrates being exercised by their successors in office.*—(1) * *

* * *

(2) When there is any doubt as to who is the successor in office of any Magistrate, the Chief Presidency Magistrate in a presidency town, and the District Magistrate outside such towns shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

* * * *

561. *Special provisions with respect to offence of rape by a husband.*—(1) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate, or District Magistrate shall—

(*a*) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(*b*) commit the man for trial for the offence.

(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a police officer with respect to such an offence as is referred to in sub-section (1), no police officer of a rank below that of police-Inspector shall be employed either to make, or to take part in, the investigation.

562. *Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment.*—(1) When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour :

Provided that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the State Government in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class or Sub-Divisional Magistrate, forwarding the accused, to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in manner provided by section 380.

565. *Order for notifying address of previously convicted offender.*—(1) When any person having been convicted—

(*a*) by a Court in India of an offence punishable under section 215, section 489-A, section 489-B, section 489-C, or section 489-D of the Indian Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years, or upwards, or

(*b*) before the 26th day of January, 1950, by Court or Tribunal in any Indian State acting under the general or special authority of the Central Government or of the Crown Representative, of any offence which would, if committed in India, have been punishable under any of the aforesaid sections or chapters of the Indian Penal Code with like imprisonment for a like term,

is again convicted of any offence punishable under any of those sections or chapters with imprisonment for a term of three years or

upwards by a High Court, Court of Session, Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit at the time of passing sentence of imprisonment on such person, also order that his residence and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

EXTRACTS FROM SCHEDULE II OF THE CRIMINAL PROCEDURE CODE, 1898.

SCHEDULE II

TABULAR STATEMENT OF OFFENCES.

Section	*Offence*	*	*	*	*	*	*By what Court triable*
1	2	3	4	5	6	7	8
	*	*					*
140	Wearing the dress or carrying any token used by a soldier, (sailor or airman) with intent that it may be believed that he is such a soldier, (sailor or airman).						Any Magistrate.
	*						*
143	Being member of an unlawful Assembly.						Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.						Any Magistrate
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.						Ditto.
147	Rioting						Ditto
	*						*
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.						Any Magistrate.
	*						
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.						Any Magistrate.
	*	*					*

1	2	3	4	5	6	7	8
160	Committing affray						Any Magistrate
	*						*
170	Personating a public servant.						Any Magistrate
171	Wearing garb or carrying token used by Public servant with fraudulent intent,						Ditto

(CHAPTER IX-A—OFFENCES RELATING TO ELECTIONS)

* *

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

172	Absconding to avoid service of summons or other proceeding from a public servant.	Any Magistrate
	If summons or notice require attendance in person, etc. in a Court of Justice.	Any Magistrate
	*	*
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Any Magistrate
	*	

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

	*	*
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	Any Magistrate
286	So dealing with any explosive substance.	Ditto
	*	*

1	2	3	4	5	6	7	8
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.						Any Magistrate.
290	Committing a public nuisance.						Ditto
	*	*					*
294	Obscene songs						Any Magistrate
294A	Keeping a lottery office						Any Magistrate.
	CHAPTER XVI—Offences affecting the Human Body						
	*	*					*
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.						Any Magistrate.
	*	*					
	Of Wrong Restraint and Wrongful Confinement						
341	Wrongfully restraining any person.						Any Magistrate.
	*	*					*
	Of Criminal force and Assault.						
352	Assault or use of criminal force otherwise than on grave provocation.						Any Magistrate.
	*						*
356	Assault or Criminal force in attempt to commit theft of property worn or carried by a person.						Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.						
358	Assault or use of criminal force on grave and sudden provocation.						
	*	*					
	Of Kidnapping, Abduction, slavery and Forced Labour.						
374	Unlawful compulsory labour						Any Magistrate..
	*						

1	2	3	4	5	6	7	8
	CHAPTER XVIII—Offences against Property						
379	Theft						Any Magistrate.
380	Theft in a building, tent or vessel.						Ditto
	*	*					
	Of Criminal Misappropriation of Property.						
403	Dishonest missappropriation of movable property, or convertingit to one's own use.						Any Magistrate.
	*	*					
	Of Mischief.						
426	Mischief						Any Magistrate.
	*	*					*
	Of Criminal tresspass						
447	Criminal trespass	..					Any Magistrate.
448	House trespass						Ditto
	*						*
451	House-trespass in order to the commission of an offence punishable with imprisonment.						Any Magistrate.
	*	*					*
	CHAPTER XXII—Criminal Intimidation, Insult and Annoyance.						
504	Insult intended to provoke a breach of the peace.						Any Magistrate.
	*	*					*
	Uttering any word or making any gesture intended to insult the modesty of woman, etc.	Shall not arrest without warrant.					Presidency Magistrate or Magistrate of the first class.
510.	Appearing in a public place etc., in a state of intoxication and causing annoyance to any person.	Shall not arrest without warrant.					Any Magistrate
511.	Attempting to commit offences punishable with imprisonment of life or imprisonment and in such attempt doing any act towards the commission of the offence.						The Court by which the offence attempted is triable.
	*						*
	If punishable with imprisonment for less than one year, or with fine only.						Any Magistrate

Extracts from Schedule III of the Criminal Procedure Code, 1898.

SCHEDULE III

Ordinary Powers of State Magistrates

I—Ordinary powers of a Magistrate of the third class.

* * * *

(17) Power to apply to District Magistrate to issue commission for examination of witnesses, section 506 (2).

* * *

III—Ordinary Powers of a Magistrate of the first class.

* * * *

(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.

* * * *

(6-a) Power to make orders as to local nuisances, section 133.

IV—Ordinary Powers of a Sub-Divisional Magistrate appointed under section 13.

(1) The ordinary powers of a Magistrate of the first class.

* * * *

(9) Powers to receive report of police officer and pass order, section 173.

(12) Power to entertain complaints, section 190.
(13) Power to receive police reports, section 190.
(14) Power to entertain cases without complaint, section 190.
(15) Power to transfer cases to a Subordinate Magistrate, section 192.
(16) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.

* *

(19) Power to withdraw cases other than appeals, and to try or refer them for trial, section 528.

* *

V—Ordinary Powers of a District Magistrate.

(1-A) Power to try juvenile offenders, section 29-B.

(4) Power to require scurity for good behaviour in case of sedition, section 108.

*

(7) Power to try summarily, section 260.

(8) Power to quash convictions in certain cases, section 350.

(9) Power to hear appeals from orders requiring security for keeping the peace or good behaviour, section 406.

(9-a) Power to hear appeals from orders of Magistrates refusing to accept or rejecting sureties, section 406-A.

(10). Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.

(11) Power to call for records, section 435.

(12) Power to order inquiry into complaint dismissed or case of accused discharged, section 436.

(13) Power to order commitment, section 437.

(14) Power to report case to High Court, section 438.

* * * *

(19) Power to hear appeals from or revise orders passed under sections 514, 515.

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PART IV—2-A

BANGALORE, FRIDAY, JANUARY 15, 1965
(PUSHYA 25, SAKA ERA 1886).

No. 6

MYSORE LEGISLATURE.

NOTIFICATION.

No. 12076 L.A., Bangalore-1, dated 15th January 1965.

The Report of the Joint Select Committee on the **Mysore Public Libraries Bill, 1964**, and the Bill as amended by the Joint Select Committee and as presented to the Legislative Assembly and the Legislative Council on 15th January, 1965 are hereby published.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE PUBLIC LIBRARIES BILL, 1964.

Composition of the Joint Select Committee.

Sriyuths.—

1. S. R. KANTHI, *Minister for Education (Chairman).*
2. M. V. RAMA RAO, *Minister for Law.*
3. M. SRINIVISA NAIK.
4. K. P. REVANASIDDAPPA.
5. K. S. GOWDIAH.
6. B. BYRAPPAJI.
7. C. R. RANGE GOWDA.
8. M. Y. GHORPADE.
9. T. MADIAH GOWDA.
10. S. S. KOLKEBAIL.
11. B. M. PATIL.
12. DEVAPPA SHAMANNA.
13. V. MASIYAPPA.
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16. VIDHYADHAR GURUJI.
17. SMT. G. C. BHAGEERATHAMMA.
18. J. B. MALLARADHYA.
19. SMT. M. R. LAKSHAMMA.
20. K. CHANNABASAVANA GOUD.
21. S. MUKUNDA RAO.
22. B. G. DESHPANDE.

SECRETARIAT.

SRI T. HANUMANTHAPPA (*Additional Secretary*).

SRI K. S. THIMMAPPA GOWDA *(Deputy Secretary).*

DRAFTSMEN.

SRI R. SANJEEVALU,
Secretary to Government, Law Departmént.

SRI M. A. SRIKRISHNA,
Draftsman, Law Department.

SRI K. N. GUNDAPPA,
Assistant Draftsman, Law Department.

REPRESENTATIVE OF THE DEPARTMENT.

SRI T. R. JAYARAMAN *(Secretary to Government, Education Department).*

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE PUBLIC LIBRARIES BILL, 1964.

(*Presented on 15th January* 1965)

I, the Chairman of the Joint Select Committee to which the Mysore Public Libraries Bill, 1964, was referred, having been authorised to submit the report, present this report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* Extraordinary, dated the 9th June 1964.

3. The Bill was introduced in the Legislative Assembly on the 17th June, 1964. The Assembly discussed the motion for consideration on the 23rd June, 1964. The motion for reference of the Bill to the Joint Select Committee (*Vide* Appendix I) was moved in the House by me on the 23rd June, 1964 and was discussed and adopted in the Assembly on the same day.

4. The Legislative Council discussed the motion on the 6th July, 1964, and concurred in the motion on the 11th July, 1964 (*Vide* Appendix II).

5. The Committee held its sittings on the 14th, 15th, 16th September and 30th October, 1964.

6. The Committee considered the report on 21st December 1964 and adopted it on the same day. The Committee authorised me to present this report.

7. The observations of the Committee with regard to the principal changes in the Bill are detailed in the succeeding paragraphs.

8. *Clause 2, item* (4) (*new item*).—As the expressions 'Chief Librarian of the City' and 'Chief Librarian of the District' have been used in the Bill, the Committee consider that it is desirable to define the expression "Chief Librarian". This item has accordingly been inserted.

Item (6) (*Original item 5*).—The Committee are of the opinion that the expression "Departmental Library" cannot include the libraries of the State Legislature and the High Court. Hence the expression "State-owned Library" has been used to cover all State-owned Libraries.

9. *Clause* 3, *sub-clause* (2).—The Committee consider that instead of three persons, four persons may be elected by the Mysore Legislative Assembly to the State Library Authority. They are also of the opinion that it is not necessary to give representation to the Mysore Library Association on the State Library Authority. Instead of nominating two persons from among the Secretaries to the Government and Heads of Departments it is better to make the Secretary to Government, Education Department, and the Director of Public Instruction in Mysore *ex-officio* members of the State Library Authority. As regards nomination of persons who are experts in library science, the Committee are of the opinion that instead of nominating two persons, the State Government may nominate three persons. By making the nomination of three persons the Government can take into consideration any recommendation which the Mysore Library Association may make. This sub-clause has accordingly been modified.

10. *Clause* 6.—The Committee are of the opinion that the term of office of the members of the State Library Authority should be three years instead of two years as proposed in the Bill. Sub-clause (1) of this clause has accordingly been amended.

11. *Clause* 9 (*new clause*).—The Committee consider that it is necessary to have a provision relating to disqualifications for being chosen as and for being a member of the State Library Authority. This clause has therefore been included.

12. *Clause* 13, *sub-clause* (2).—The Committee are of the opinion that provision should be made in this clause about the duty of the Department of Public Libraries to

maintain State Registers of Libraries and of Librarians. Item (*d*) has accordingly been inserted.

13. *Clause* 15, *sub-clause* (3) (*original sub-clause*). The Committee are of the opinion that in respect of disciplinary proceedings against employees provision for recommendation by the Library Authority is not necessary. This sub-clause has therefore been deleted.

14. *Clause* 17.—In order to ensure co-ordination between the Municipality and the City Library Authority it is desirable to appoint the Mayor of a Municipal Corporation or the President of a Municipal Council to be the Chairman of the City Library Authority. A Principal of a First Grade College in the City nominated by the State Government can be Vice-Chairman of the Authority. Instead of three persons being nominated by the State Government from among the staff of the Colleges, High Schools and officers of the Department of Public Instruction, the Head Master of a High School in the City and an officer of the Department of Public Instruction may be nominated as members of the City Library Authority. It is not necessary to have a provision for nomination by the Executive Committee of the City Branch of the Mysore Library Association. But, instead of one person being nominated by the State Government from among the persons permanently residing in the City, three persons may be nominated, and the State Government while making the nomination may consider any recommendation made by the Mysore Library Association. The Committee are of the opinion that it may be difficult to get experts in library science in every City for being nominated as members of a library authority. The reference to qualification may therefore be deleted.

It is necessary to make it clear that the Chief Librarian of the City will not only be the *ex-officio* Secretary of the Library Authority but also the *ex-officio* Secretary of the Committees of the said authority ..

This clause has accordingly been modified.

15. *Clause* 18.—As the Deputy Commissioner of the District is the Chairman of the District Development Council the Committee consider that he would be the appropriate person to be the Chairman of the District Library Authority as proposed in the Bill. The Committee consider that it will not be proper to make the District Educational Officer or the Educational Inspector of the District as the Vice-Chairman. A provision may be made for the election of the Vice-Chairman from among the members of the authority. As the District Development Council is the important District Organisation the Committee consider that the Library Authority should have two persons elected from among the members of the District Development Council. The Committee are also of the opinion that there should be one representative of the Taluk Boards and he may be nominated by the State Government. Instead of two persons being nominated to represent the members of the Village Panchayats and Town Panchayats, the Committee consider that three persons may be nominated. Instead of one person being nominated to represent aided libraries in the district, two persons may be so nominated. Instead of three persons being nominated from among the staff of the Colleges, High Schools and officers of the Department of Public Instruction, the Committee consider that a Principal of a First Grade College, the Head Master of a High School and an officer of the Department of Public Instruction may be nominated as members of the District Library Authority. There need not be provision for nomination by the Executive Committee of the District Branch of the Mysore Library Association, but the number of persons to be nominated by the State Government from among the persons ordinarily resident in the District may be fixed at three, and the State Government may, while making nominations take into consideration any recommendation which the Mysore Library Association may make. As in the case of the City Library Authority, the qualification of the nominees being experts in library science would not be necessary. It may also be made clear that the Chief Librarian of the District would not only be the *ex-officio*

Secretary of the District Library Authority but also of the Committees of the said authority.

Necessary amendments have accordingly been made in this clause.

16. *Clause* 20.—The Committee are of the opinion that the term of office of the members of a Local Library Authority should be three years instead of two years. Sub-clause (1) of this clause has accordingly been amended.

17. *Clause* 23 (*new clause*).—The Committee consider that it is necessary to provide for disqualifications for being chosen as and for being members of Local Library Authorities. This clause has accordingly been inserted.

18. *Clause* 24 (*new clause*).—The Committee are of the opinion that there should be a provision that a Local Library Authority should meet at least twice in a year, the Chairman being authorised to convene special meetings to transact urgent business. Provision should also be made for convening meetings at the request of members. This clause has accordingly been inserted.

19. *Clause* 25 (*new clause*).—The Committee consider that it is necessary to specify the powers and duties of the Chairman and the Vice-Chairman of a Local Library Authority. This clause has accordingly been inserted.

20. *Clause* 26 (*original clause* 23).—The Committee are of the opinion that it is desirable to clearly specify that a Local Library Authority should establish a Central Library and Branch Libraries. Sub-clause (1) of this clause has accordingly been amended.

21. *Clause* 27 (*original clause* 24).—The Committee consider that the Development Plan prepared by the Local Library Authority should be called the Local Library Development Plan. Necessary amendment has accordingly been made in this clause.

22. *Clause* 28 (*original clause* 25).—The Committee are of the opinion that there is no need to have a Book Fund Committee, as the functions of such a committee can be performed by the Executive Committee. Necessary amendments have accordingly been made.

23. *Clause 29 (original clause 26).*—The Committee are of the opinion that it is not necessary to provide for nomination by the Executive Council of the Town Branch of the Mysore Library Association of a member on the Branch Library Committee. Item (c) of sub-clause (2) has therefore been deleted.

The Committee are also of the opinion that the term of office of the members of Branch Library Committee and the Village Service Library Committee should be three years instead of two years. Sub-clause (4) of this clause has accordingly been amended.

24. *Clause 30, (original clause 27).*—The Committee consider that as the library cess levied at the rate of three paise for every rupee of different taxes would not be sufficient to provide satisfactory library service to members of the public, it may be necessary to enhance the rate in particular areas. They are, therefore, of the opinion that the Local Library Authorities may be empowered to increase the rate of library cess upto six paise for every rupee of the tax levied. Sub-clause (2) has accordingly been inserted in this clause.

25. *Clause 31 (original clause 28).*—The Committee are of the opinion that the land revenue collection of the district for purposes of the grant under this clause should be the average of three years' collection until the revision settlement under the Mysore Land Revenue Act, 1964 takes effect, and thereafter it should be the collection of the preceding year. Sub-clause (3) has accordingly been inserted.

26. *Clause 32 (original clause 29).*—The Committee consider that the Local Library Authority should be competent to receive any grants which the Central Government or the State Government may make. Item (*d*) of sub-clause (2) has accordingly been modified.

27. *Clause 33 (new clause).*—The Committee are of the opinion that it is necessary to make provision for a library fund to be maintained by the State Library Authority. This clause has accordingly been inserted.

28. *Clause* 36 (*original clause* 32).—The Committee consider that in addition to the sections enumerated in clause 2 (*b*) provision should be made for the opening in the State Central Library of such other sections as may be prescribed by rules. This sub-clause has accordingly been amended.

29. *Clause* 37 (*original clause* 33).—The Committee are of the opinion that the implementation of schemes framed under sub-clause (3) and sub-clause (5) in respect of libraries other than libraries owned and controlled by the State, should be with the concurrence of the authorities which own or control such libraries. A proviso has accordingly been added to this clause.

30. *Clause* 40 (*original clause* 36).—The Committee consider that the State Librarian should also be required to prepare and submit an Annual Report of the activities of the State Library Authority. Sub-clause (2) has accordingly been added to this clause.

31. *Clause* 42 (*original clause* 38).—The Committee are of the opinion that the State Library Authority should also be empowered to make bye-laws in respect of libraries under its control.

The Committee are also of the opinion that the previous publication of the bye-laws should be for a period of not less than thirty days.

The clause has accordingly been amended.

32. *Clause* 47 (*original clause* 11).—As this is a general provision, this clause has been inserted in the Miscellaneous Chapter.

33. *Clause* 50 (*original clause* 45).—The Committee are of the opinion that the assets and liabilities of the South Kanara District Library Authority appertaining to Karnad Sadashiva Rao District Central Library should be apportioned between the Mangalore City Library Authority and the South Kanara District Library Authority. Sub-clause (3) (b) of this clause has accordingly been modified.

34. *Clause 52* (*original clause 47*).—The Committee consider that it is necessary to make it clear that the library cess under the Madras Public Libraries Act, 1948, should continue to be levied.

The Committee are also of the opinion that it is not necessary to preclude the Municipalities, Panchayats and other local authorities from establishing libraries. Sub-clause (2) (*b*) has accordingly been amended and sub-clauses (3) and (4) deleted.

35. The other amendments made in the Bill are either of minor nature or consequential or intended to improve the wording.

36. The Joint Select Committee recommend that the Bill as amended be passed.

S. R. KANTHI,
Chairman,
Joint Select Committee.

BANGALORE,
Dated 21st December, 1964.

G. S. VENKATARAMANA IYER,
Secretary.

APPENDIX I

(*Vide* Para 3 of the Report)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

"That the Mysore Public Libraries Bill, 1964 be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths.—

1. M. Srinivasa Naik.
2. K. P. Revanasiddappa.
3. K. S. Gowdiah.
4. B. Byrappaji.
5. C. R. Range Gowda.
6. M. Y. Ghorpade.
7. T. Madiah Gowda.
8. S. S. Kolkebail.
9. B. M. Patil.
10. Devappa Shamanna.
11. V. Masiyappa.
12. S. V. Patil.
13. A. P. Appanna.
14. Vidhyadhar Guruji.
15. Smt. G. C. Bhagecrathamma."

APPENDIX II

(*Vide* Para 4 of the Report)

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

"That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Public Libraries Bill, 1964 consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths.—

1. J. B. Mallaradhya.
2. Smt. M. R. Lakshamma.
3. K. Channabasavana Goud.
4. S. Mukunda Rao.
5. B. G. Deshpande."

THE MYSORE PUBLIC LIBRARIES BILL, 1964

Arrangement of Clauses

PREAMBLE

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[As Reported by the Joint Select Committee]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE PUBLIC LIBRARIES BILL, 1964.

A Bill to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore.

Whereas it is expedient to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore and for matters connected therewith;

Be it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Public Libraries Act, 1964.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) 'academic library' means a library maintained by a university, college, school or research institution;

(2) 'aided library' means a library declared by the State Librarian to be eligible for aid from the Government in accordance with the rules made under this Act;

(3) 'book' includes—

(i) every volume, part or division of a volume, and pamphlet, in any language;

(ii) every sheet of music, map, chart or plan separately printed or lithographed;

(iii) newspapers, periodicals and other such materials;

(4) "Chief Librarian" means the Librarian appointed to be in charge of a City Central Library or a District Central Library and other Libraries and the library service under the control of a City Library Authority or a District Library Authority, as the case may be;

(5) 'City Library Authority' means a Library Authority constituted for a city or other urban area under sections 16 and 17;

(6) 'State-owned Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State;

(7) 'district' means a revenue district;

(8) 'District Library Authority' means a Library Authority constituted for a district under sections 16 and 18;

(9) 'library cess' means a cess levied under section 30;

(10) 'Local Library Authority' means a City Library Authority or a District Library Authority;

(11) 'notification' means a notification published in the official Gazette;

(12) 'outlier library' means any library other than a public library;

(13) 'prescribed' means prescribed by rules made under this Act;

(14) 'public library' means,—

(*a*) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such library;

(*b*) a library established or maintained by the State Government and declared open to the public;

(*c*) a library established or maintained by any local authority and declared open to the public;

(*d*) a library declared to be eligible for aid and receiving aid from the State Government;

and includes, any other library notified by the State Government as a public library for the purposes of this Act;

(15) 'State Central Library' means the library declared to be the State Central Library under Chapter VI;

(16) 'State Librarian' means the State Librarian appointed under this Act;

(17) 'State Library Authority' means the Authority constituted under section 3;

(18) 'year' means the financial year.

CHAPTER II.

The Mysore State Library Authority.

3. Constitution and composition of the State Library Authority.—(1) As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the * * * State Library Authority. Such authority shall be a body corporate having perpetual succession and

a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued

(2) The State Library Authority shall consist of,—

(*a*) the Minister in charge of Education who shall *ex-officio* be the President of the Authority ;

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* * * *

(*b*) four persons elected by the Mysore Legislative Assembly from among its members ;

(*c*) two persons elected by the Mysore Legislative Council from among its members ;

(*d*) one person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate ;

Explanation :—For purposes of this clause, in respect of the University of Agricultural Sciences, "Syndicate" means the Board of Regents.

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(*e*) one person elected by the City Library Authority of the City of Bangalore from among its members ;

(*f*) one person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order of rotation as the State Government may by order determine ;

(*g*) one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the members of such Authority, subject to the condition that such election shall be made by each District Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine;

(*h*) the Secretary to the Government, Education Department;

(*i*) the Director of Public Instruction in Mysore;

(*j*) three persons nominated by the State Government who in the opinion of the State Government are experts in library science:

Provided that at the first constitution of the Authority for purposes of clauses (*e*), (*f*) and (*g*), six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

(3) The State Librarian shall *ex-officio* be the Secretary of the State Library Authority.

4. Functions of the State Library Authority.—The State Library Authority shall advise the State Government on all matters connected with the administration of this Act, shall be the managing authority for the State Central Library, and shall exercise and perform such powers and duties conferred and entrusted to the said Authority by this Act, and such other powers and duties as may be prescribed.

5. **Nomination of members in default of election.**—If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

6. **Term of office.**—(1) Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 3.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

7. **Vacancies.**—In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

8. **Disabilities for continuing as member.**—If any member other than an *ex-officio* member of the State Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

(*b*) in the case of a member elected by any body referred to in sub-section (2) of section 3, ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

9. **Disqualifications.**—A person shall be disqualified for being chosen as, and for being, a member of the State Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

10. **Meetings of the State Library Authority.**—(1) The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meeting.

(2) The President may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the President to discuss matters of urgent importance upon a requisition * * * by * * * the members of the Authority.

(4) Two-fifths of the total number of members of the Authority, shall be the quorum for a meeting of the State Library Authority.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside. * * *

11. Procedure of State Library Authority.—The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

CHAPTER III.

DEPARTMENT OF PUBLIC LIBRARIES.

12. Department of Public Libraries.—For the purposes of this Act, a Department of Public Libraries shall be constituted with a State Librarian as its head and such other officers and servants as the Government may by order specify.

13. Functions of the Department.—(1) Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Department shall—

(*a*) superintend and direct all matters relating to all public libraries ;

(*b*) promote the establishment of public library service so as to achieve the purposes of this Act ;

(*c*) supervise and direct all matters relating to libraries receiving aid from the State Government ;

(*d*) maintain State Registers of Libraries and of Librarians ;

(*e*) superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act ;

(*f*) ensure the proper utilisation of the Library Funds and library man-power of the State ;

(*g*) perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

14. State Librarian.—(1) A whole-time officer having the prescribed qualifications to practise the library profession shall be appointed by the State Government as the State Librarian.

(2) The State Librarian shall,—

(*a*) function as the Librarian of the State Central Library ;

(*b*) superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act ;.

(*c*) control the appointments, postings, and transfers of officers and servants in the State Library Service ;

(*d*) generally assist the State Library Authority in performing its functions ;

(*e*) exercise such other powers and perform such other duties as may be conferred or imposed on him by or under this Act.

15. State Library Service.—(1) Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library and

every Local Library Authority shall be filled by appointment of persons belonging to the Mysore State Library Service.

(2) The Mysore State Library Service shall consist of the State Librarian, Chief Librarians of Cities and Districts, Librarians and such other classes and categores of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

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(3) The salary, allowances, gratuity, pension and other benefits of the members of the Mysore State Library Service shall be met from the Consolidated Fund of the State.

CHAPTER IV.

Local Library Authorities.

16. Constitution of Local Library Authorities.— (1) For the purpose of organising and administering Public Libraries in the State, there shall be constituted Local Library Authorities,—

(*a*) for the Cities of Bangalore, Hubli-Dharwar, Mangalore, Mysore and Belgaum, and for such other urban areas having a population of more than one lakh, as the State Government may by notification specify, called the City Library Authority; and

(*b*) for each revenue district, excluding the area for which a City Library Authority is constituted, called the District Library Authority:

Provided that the District Library Authority constituted for Bangalore District (Rural) shall organise

and administer public libraries in Bangalore District (Urban) also, excluding the City of Bangalore.

(2) Every Local Library Authority shall by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

17. Composition of City Library Authorities.— (1) Every City Library Authority shall consist of—

(*a*) the Mayor of the municipal corporation or the President of the municipal council or other municipal body of the City who shall *ex-officio* be the Chairman of the Authority ;

(*b*) a principal of a First Grade College in the city nominated *ex-officio* by the State Government, who shall be the Vice-Chairman of the Authority ;

* * * * * *

* * * * * *

(*c*) two persons elected by the municipal corporation, municipal council or other municipal body of the city from among its members ;

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* * * * * *

(*d*) one person nominated by the State Government from among the members of governing bodies of aided libraries in the city ;

* * * * * *

* * * * * *

(*e*) a Head Master of a High School in the city nominated *ex-officio* by the State Government ;

(*f*) an officer of the Department of Public Instruction having jurisdiction over the city, nominated *ex-officio* by the State Government.

(*g*) three persons nominated by the State Government from among persons ordinarily resident in the city *

* * * * * * * *

(2) The Chief Librarian of the city shall *ex-officio* be the Secretary of the City Library Authority and of the Committees of the said Authority.

18. Composition of District Library Authorities.— (1) Every District Library Authority shall consist of—

(*a*) the Deputy Commissioner of the district who shall *ex-officio* be the Chairman of the Authority ;

(*b*) the District Educational Officer or the Educational Inspector of the district ; * * *

* * * *

(*c*) two persons elected from among its members by the District Development Council ;

* * * *

* * * *

(*d*) one person elected from among its members by each municipal council or other municipal body in the district with jurisdiction over a municipal area other than an area for which a City Library Authority is established having a population of not less than fifty thousand ;

(*e*) two persons nominated by the State Government from among the members of municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of less than fifty thousand ;

(*f*) one person nominated by the State Government from among the members of the Taluk Development Boards in the district ;

(*g*) three persons nominated by the State Government from among the members of the village panchayats and town panchayats in the district ;

* * * *

(*h*) two persons nominated by the State Government from among the members of the governing bodies of aided libraries in the district ;

(*i*) a Principal of a First Grade College in the district nominated *ex-officio* by the State Government ;

(*j*) a Headmaster of a High School in the district nominated *ex-officio* by the State Government :

(*k*) an officer of the Department of Public Instruction having jurisdiction over the district or a part thereof nominated *ex-officio* by the State Government ;

(*l*) three persons nominated by the State Government from among persons ordinarily resident in the district.

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* * *

(2) The Vice-Chairman of the District Library Authority shall be elected by the members from among themselves.

(3) The Chief Librarian of the district shall *ex-officio* be the Secretary of the District Library Authority and of the Committees of the said Authority.

19. Nomination of members in default of election.—If any of the bodies referred to in section 17 or 18 does not by

such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

20. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under sections 16, 17 and 18.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

21. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 17 or section 18, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

22. Disabilities for continuing as member.—If any member other than an *ex-officio* member of a Local Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

(*b*) in the case of a member elected by any body referred to in section 17 or section 18 ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

23. **Disqualifications.**—A person shall be disqualified for being chosen as, and for being, a member of the Local Library Authority,—

(*a*) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he is of unsound mind and stands so declared by a competent court.

24. **Meetings of Local Library Authorities.**—(1) Every Local Library Authority shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting.

(2) The Chairman may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) A Local Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

25. **Powers and duties of Chairman and Vice-Chairman.**—(1) The Chairman of a Local Library Authority shall,—

(*a*) preside at the meetings of the Authority ;

(*b*) watch over the financial and executive administration of the Authority and exercise general supervision and control ;

(2) The Vice-Chairman of a Local Library Authority shall,—

(*a*) in the absence of the Chairman, preside at the meetings of the Authority ;

(*b*) exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

26. **Powers and functions of Local Library Authorities.**—(1) It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction. The Library Authority shall in every City establish a City Central Library and Branch Libraries and in every district establish a District Central Library and branch libraries.

(2) For purposes of sub-section (1), a Local Library Authority may,—

(*a*) provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose ;

(*b*) provide such libraries with books, periodicals, newspapers, maps, gramaphone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like ;

(*c*) with the previous sanction of the State Government shift or close any public library ;

(*d*) accept any endowment or gift for any purpose connected with its activities :

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government ;

(*e*) provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act ;

(*f*) with the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government ;

(*g*) with the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act ;

(*h*) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

27. Library Development Plan.—(1) Subject to such general or special orders of the State Government, as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the State Librarian, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Library Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

(2) The salient features of every Local Library Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which

may be received from any person with respect to the Local Library Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Library Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under sub-section (2). The State Librarian shall with his comments on the Local Library Development Plan submit it to the State Government for sanction.

(4) The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this sub-section.

(5) (*a*) As soon as may be after the State Government sanctions a Local Library Development Plan under sub-section (4), the State Librarian shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(*b*) A Local Library Order made under clause (*a*) may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

(6) Every Local Library Authority shall give effect the Local Library Development Plan as sanctioned by

the State Government and the Local Library Order made under sub-section (5).

28. **Local Library Authority to appoint committees.**—(1) Every Local Library Authority shall constitute the following committees by election from among its members, namely :—

(i) the Executive Committee ; and

* * *

(ii) the Finance Committee.

(2) A Local Library Authority may constitute committees for such other purposes as it deems fit.

(3) The Chairman of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, * * and the Finance Committee.

(4) (*a*) The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

(*b*)

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(*b*) The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Local Library Authority.

29 **Advisory Library Committees.**—(1) For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

(2) Every Branch Library Committee shall consist of,—

(*a*) the Branch Librarian who shall *ex-officio* be the Chairman and convenor of the Committee;

(*b*) one person representing the area which the Branch Library serves, on the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;

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(*c*) three teachers of educational institutions in the area in which the branch library is located, nominated by the Chief Librarian of the City or the Chief Librarian of the district, as the case may be;

(*d*) three persons from among the registered borrowers of the branch library nominated by the Chief Librarian of the City * * or the Chief Librarian of the district, as the case may be.

(3) Every Village Service Library Committee shall consist of—

(*a*) the Travelling Librarian visiting the service station in the village who shall *ex-officio* be the Chairman and convenor of the Committee;

(*b*) two teachers of educational institutions in the area served by the service station, nominated by the Chief Librarian of the District;

(c) two persons from among the registered borrowers in the area served by the service station, nominated by the Chief Librarian of the district.

(4) The nominated members of the Branch Library Committee and the Village Service Library Committee shall hold office for a period of three years or until their successors are nominated.

CHAPTER V.

FINANCE AND ACCOUNTS.

30. Library Cess.—(1) With effect from the date of commencement of this Act,—

(a) a library cess in the form of a surcharge on—

(i) tax on lands and buildings ;

(ii) tax on entry of goods into the local area for consumption, use or sale therein ;

(iii) tax on vehicles ;

(iv) tax on professions, trades, callings and employments ;

shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied ;

(b) * * * * * * *

a library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

(2) A City Library Authority or District Library Authority may, with the previous sanction of the State Government, by notification, increase the rate of library cess levied on any item of tax specified in clause (*a*) or (*b*) of sub-section (1), subject to the condition that the rate shall not exceed six paise for every rupee of the tax levied.

(3) The cess levied under clause (*a*) or clause (*b*) of sub-section (1) or increased under sub-section (2) shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescrbied.

(4) The cess collected under sub-section (2) by every local authority shall be paid to the City Library Authority or the District Library Authority, as the case may be.

31. Government grant to District Library Authority of a portion of land revenue.—(1) The State Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collection of the district.

(2) The amount granted to a District Library Authority under sub-section (1) shall be credited to the District Library Fund * * * at such times and in such manner as may be prescribed.

(3) Land Revenue collection of a district for the purposes of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue

Act, 1964, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination ;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

32. City and District Library Funds.—(1) Every City Library Authority and District Library Authority shall maintain a * * * Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

(2) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely :—

(*a*) the cess collected under sub-section (3) of section 30 ;

(*b*) the grant under section 31 ;

(*c*) contributions, gifts, and income from endowments, made to the Library Authority for the benefit of public libraries ;

(*d*) * * grants which the Central Government or the State Government may make ;

* * * * * *

(*e*) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

33. State Library Fund.—(1) The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

(2) There shall be credited to the State Library Fund the following sums, namely :—

(*a*) the grants made by the State Government to the State Library authority to perform the duties entrusted to it ;

(*b*) grants which the Central Government may make ;

(*c*) contributions and gifts made to the State Library Authority ;

(*d*) funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.

34. Accounts.—(1) An account shall be kept of the receipts and expenses of the State Library Authority and of each City Library Authority and District Library Authority.

(2) The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

CHAPTER VI.

State Central Library.

35. Vesting of Bangalore Public Library in the State Library Authority.—(1) With effect from such date as the State Government may by notification appoint, (hereinafter referred to in this Chapter as the appointed day), the entire management and control of the Public Library, Bangalore, now vested in the Committee of Management of the Public Library, Bangalore, shall be vested in the State Library Authority.

(2) As from the appointed day, the Committee of Management of the Public Library, Bangalore, a society registered under the Mysore Societies Registration Act,

1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the State Library Authority and shall be applied for the purposes specified in this Act and such other purposes as may be prescribed.

(3) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the State Library Authority.

(4) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions, and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same, as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

36. Mysore State Central Library.—(1) As from the appointed day, the Public Library, Bangalore, shall be the Mysore State Central Library.

(2) (*a*) The Mysore State Central Library shall be maintained as a reservoir of books and other materials for the proper functioning of the State Library system.

(*b*) In addition to a general library, the State Central Library shall consist of the following sections, namely :—

(i) a State Bureau of Copyright Collections ;

(ii) a State Library for the Blind ;

(iii) a State Bureau of inter-library loans ;

(iv) a State Bibliographical Bureau ;

(v) a State Bureau of Technical Service;
(vi) such other sections as may be prescribed.

37 **Sections of State Central Library.**—(1) (*a*) One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a Bureau of Copyright.

(*b*) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

(2) (*a*) The production, and storage of books, sound records of books and kindred materials for the blind, and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

(*b*) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

(3) (*a*) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, State-owned libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(*b*) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

(4) (*a*) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed, and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

(5) (*a*) The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, State owned libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with other similar Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration ;

Provided that no scheme under sub-section (3) or sub-section (5) shall be implemented in respect of any library other than a library owned or controlled by the State, except with the concurrence of the authority which owns or controls such library.

CHAPTER VII.

Reports, Returns and Inspection.

38. **Reports and returns.**—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

39. **Inspection of libraries.**—The State Librarian or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

40. **Annual Report.**—(1) The State Librarian shall, in respect of each financial year, prepare an annual report of

the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

(2) The State Librarian shall, in respect of each financial year prepare an annual report of the activities of the State Library Authority during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

CHAPTER VIII.

MISCELLANEOUS.

41. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Service Library Committees;

(*b*) the maintenance of a State Library Fund and the City and District Library Funds;

(*c*) the administration, inspection and management of the State Central Library;

(*d*) the maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors;

(*e*) the grants-in-aid to aided libraries and the standards to be maintained by such libraries ;

(*f*) the maintenance of State Registers of Libraries and of Librarians ;

(*g*) the constitution of committees by the State Library Authority and the Local Library Authorities ;

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(*h*) the restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

(3) Every rule made under this Act shall, as soon as may be after it is made be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

42. Power of State Library Authority and Local Library Authorities to make bye-laws.—(1) The State Library Authority and every Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the State Government, by notification, make bye-laws generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely :—

(*a*) the admission of the public to the public libraries * * * * * under the control of the State Library Authority or the Local Library Authority subject to such conditions as may be specified in such bye-laws :

Provided that no fees shall be charged for such admission ;

(*b*) the guarantee or security to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries ;

(*c*) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss ;

(*d*) the authority to be exercised by the officers and servants of the State Library Authority or the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder ;

* * *

(3) Every bye-law made under this section shall be subject to the condition of previous publication for a period of not less than thirty days, and such publication shall be in the official Gazette and in such other manner as may be prescribed.

(4) The State Government may by notification modify or cancel any bye-law made by State Library Authority or a Local Library Authority under this section :

Provided that before modifying or cancelling any bye-law, the State Government shall give the State Library Authority or the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

43. **Offences and penalties.**—Whoever.—

(*a*) in a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution; or

(*b*) after due warning persists in remaining therein beyond the hours fixed for closing,

shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

44. **Control of Local Library Authorities by Government.**—(1) If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

(2) If a Local Library Authority is superseded—

(*a*) all the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons

as the State Government may from time to time appoint in this behalf ;

(*b*) all property vested in the Local Library Authority shall during the period of supersession, vest in the State Government ; and

(*c*) on the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

45. Liability of members for loss, waste or misapplication.—(1) Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

(2) If after giving the member or members concerned a reasonable opportunity for showing cause to the contrary the State Librarian is satisfied that the loss, waste or misapplication of any money or other property of the Local Library Authority is a direct consequence of misconduct or neglect on his or their part, the State Librarian shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

(4) An appeal shall lie from the decision of the State Librarian to the Mysore Revenue Appellate Tribunal within such period as may be prescribed, and the decision of the Mysore Revenue Appellate Tribunal on such appeal shall be final.

46. Members and employees of Library Authorities to be public servants.—Every member of the State Library Authority or a Local Library Authority and every officer

and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

47. Savings of validity of acts and proceedings.—No act done, or proceedings taken under this Act shall be questioned merely on the ground,—

(*a*) of any vacancy or defect in the constitution of any Authority or any committee thereof; or

(*b*) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

48. Provisions relating to suits, etc.—(1) No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

(2) No suit or other legal proceeding shall lie against the State Government, the State Librarian, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

49. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

50. Transfer of certain libraries.—(1) (*a*) With effect from such date as the State Government may by notification

appoint (hereinafter referred to in this sub-section as the appointed day), the entire management and control of the Public Library, Mysore, now vested in the Committee of Management of the Public Library, Mysore, shall be vested in the Mysore City Library Authority.

(*b*) As from the appointed day, the Committee of Management of the Public Library, Mysore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the Mysore City Library Authority and shall be applied for purposes specified in this Act and such other purposes as may be prescribed.

(*c*) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the Mysore City Library Authority.

(*d*) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) (*a*) The State Government may by notification transfer the Mahatma Gandhi Public Library, Mercara, to the Coorg District Library Authority, with effect from such date as may be specified in such notification.

(*b*) With effect from the day on which such transfer takes place, all assets and liabilities appertaining to the said library shall stand transferred to and vest in the Coorg District Library Authority.

(*c*) With effect from the day on which such transfer takes place, every person employed by the Government in connection with the said public library shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same if the transfer had not taken place and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(3) (*a*) Notwithstanding anything contained in section 47, with effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the specified day), the entire management and control of Karnad Sadashiva Rao District Central Library, Mangalore shall stand transferred to the Mangalore City Library Authority.

(*b*) As from the specified day, the assets and liabilities of the South Kanara District Library Authority appertaining to the said District Central Library shall vest in the Mangalore City Library Authority, and the South Kanara District Library Authority in such proportion and in such manner as the State Government may direct.

(*c*) Every employee of South Kanara District Library Authority who was employed by the said Authority wholly or mainly in connection with the said District Central Library shall, as from the specified day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the South Kanara District Library Authority, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

51. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Mysore.—The Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall, in its application to the State of Mysore, be amended as follows,—

(i) in the first paragraph of section 9, for clause (*a*), the following clause shall be substituted, namely :—

"(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, three such copies, and";

(ii) in the last paragraph of section 9, for clause (i), the following clause shall be substituted, namely :—

" (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or";

(iii) in section 11, for the first sentence, the following sentence shall be substituted, namely :—

"Out of the three copies delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Bangalore, referred to in the Mysore Public Libraries Act, 1964, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine."

52. Repeal and savings.—(1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Hyderabad Public Libraries Act, 1955 (Hyderabad Act III of 1955) are hereby repealed.

(2) Notwithstanding such repeal—

(a) the members of the Local Library Authorities constituted under the Madras Public Libraries Act, 1948, and holding office immediately before the commencement of this Act shall be deemed to be the members of the Local Library Authorities constituted under this Act and shall exercise all powers and perform all duties conferred on such Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until new authorities are constituted under this Act, whichever is later ;

(b) anything done or any action taken (including any appointment or delegation made, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, or scheme framed) under the said Act and in force at the commencement of this Act, * *

shall be deemed to have been done or taken *

* * *

under the provisions of this Act and shall continue to be in force accordingly until they are superseded or modified by anything done or any action taken under this Act.

*

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MYSORE LEGISLATURE

NOTIFICATION.

No. 12077/L.A., Bangalore-1, dated 15th January 1965.

The Report of the Joint Select Committee on the **Mysore Panchayat Raj Bill, 1964** and the Bill as amended by the Joint Select Committee and as presented to the Legislative Assembly and the Legislative Council on 15th January 1965 are hereby published.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE PANCHAYAT RAJ BILL, 1964.

Composition of the Joint Select Committee.

Sriyuths.—

1. RAMAKRISHNA HEGDE, *Minister for Development, Panchayat Raj and Co-operation and Chairman.*
2. M. V. RAMA RAO, *Minister for Law.*
3. G. V. GOWDA.
4. B. P. KADAM.
5. SIDDIAH KASHIMATH.
6. B. BHASKAR SHETTY.
7. T. N. MADAPPA GOWDA.
8. A. SHARANAPPA.
9. D. M. SIDDIAH.
10. N. HUCHMASTHY GOWDA.
11. R. MUNISWAMIAH.
12. M. R. PATIL.
13. R. S. HEGDE.
14. B. L. GOWDA.
15. A. J. DODDAMETI.
16. R. S. PATIL.
17. SMT. BASAVARAJESWARI.
18. M. MADIAH.
19. P. M. NADAGOUDA.
20. G. B. PATIL.
21. K. T. SHAMAIAH GOWDA.
22. V. SRINIVASA SHETTY.

SHRI KONDAJJI BASAPPA, Deputy Minister for Co-operation, attended the meetings by invitation.

SECRETARIAT.

SRI T. HANUMANTHAPPA, *Additional Secretary.*

SRI V. B. DESHMUKH,
Under Secretary.

DRAFTSMEN.

SRI R. SANJEEVALU,
Secretary to Government, Law Department.

SRI M. A. SRIKRISHNA,
Draftsman and Joint Secretary to Government, Law Department.

SRI K. N. GUNDAPPA,
Assistant Draftsman, Law Department.

REPRESENTATIVES OF THE DEPARTMENT.

SRI M. VASUDEVA RAO,
Development Commissioner and Special Secretary to Government.

SRI S. RAMANATHAN,
Secretary to Government, Development, Panchayat Raj and Co-operation Department.

SRI B. VENKATARAMIA,
Deputy Secretary, Development, Panchayat Raj and Co-operation Department.

(*Presented on 15th January* 1965)

I, the Chairman of the Joint Select Committee to which the Mysore Panchayat Raj Bill, 1964, was referred, having been authorised to submit the Report, present this Report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* (*Extraordinary*) dated the 1st July 1964.

3. The Bill was introduced in the Legislative Assembly on the 8th July, 1964. The Assembly discussed the motion for consideration on the 9th July, 1964. The motion of reference of the Bill to the Joint Select Committee (*vide* Appendix I) was moved in the House, by me on the 13th July, 1964 and was discussed and adopted in the Assembly on the same day.

4. The Legislative Council discussed the motion on the 15th July, 1964 and concurred in the motion on the 16th July, 1964 (*vide* Appendix II).

5. The Committee

(*a*) heard representations from the following, namely :—

(1) Sri H. L. Thimme Gowda, President, Taluk Board, Hunsur,
(2) Representatives of the Mysore Pradesh Panchayat Raj Parishad Council,
(3) Representatives of the South Canara Union of Panchayats, Mangalore,
(4) The Secretary, Garaga Panchayat, Garaga,
(5) The Representatives of the Mysore State Planters' Association Chickmagalur,
(6) Smt. Pramila Deshpande, Chairman, Mysore State Social Welfare Board, Bangalore-4,
(7) Sri Shivalingaiah, Chairman Group Panchayat, Kithlanagamangala, Kunigal Taluk and

considered the memoranda from the following, namely :—

(8) Sri S. P. Magdam, Vice-Chairman, Town Panchayat, Jamakhandi, Bijapur Dist.

(9) Sri K. S. Made Gowda, Chairman, Hadya Group Panchayat, Nanjanagud Taluk,
(10) Sri N. M. Adyanthaya, President, Taluk Development Board, Karkal (S.K.),
(11) Members of Bar Association, Aland, Gulbarga Dist.,
(12) General Secretary, Belgaum District, V.P. Secretaries Union, Office Kagawada, Belgaum District,
(13) Chairman, Gram Panchayat, Mooroor (N.K.),
(14) President, N. K. District Panchayat Secretries & other Panchayat Employees Union, Kumta.,
(15) President, Meeting of Chairman and Vice-Chairman of Ron Taluk Panchayats,
(16) Mysore District Taluk Boards,
(17) Secretary, Panchayat Committee, Mudakari, Ramdurg, Belgaum,
(18) Sri Shantamallappa Patil, Chairman, Village Panchayat, Bhankur, Chitapur, Gulbarga District,
(19) Sri G. G. Shastri, Gokarn,
(20) Sri B. P. Sharanappa, Vice-Chairman, Sirigere Group Panchayat, Haranahalli Hobli, Shimoga District,
(21) Sri K. Narayana Rao, Chairman, Hampasagar V. P., Mallapur Taluk, Bellary District,
(22) Chairman, Town Panchayat, Mudalgi,
(23) Sri A. N. Subba Rao, Mysore Rajya Panchayat Parishad, Mundgod (N. K.),
(24) Sri G. N. Bhidge, Taluk Development Board, Belthangadi (S. K.),
(25) Sri Veerangouda, President, Taluk Development Board, Gangavathi (Raichur District),
(26) President, Taluk Development Board, Koppa, Chickmagalur,
(27) Hon. Secretary, Village Panchayats' Association, Koppa,
(28) Telegram from General Secretary, Bombay Karnatak Panchayat Secretaries' Association, Muddebihal,
(29) The President, Taluk Development Board, Chickmagalur,
(30) The Secretary, Krishika & Ryot Sangha of Bantval Taluk (S.K.),
(31) The Chairman, Thuluvina Koppa Village Panchayat, Koppa Taluk,

(*b*) The Committee invited Shri M. Y. Ghorpade, M.L.A., Sandur, Bellary District, to give his views on the Bill and he furnihed a printed booklet and explained his points of view to the Committee.

6 The Committee held its sittings on 3rd, 4th, 5th 6th, 7th, 8th, 18th, 19th, 24th, 25th, 26th, 27th, 28th,

and 29th August and 28th and 30th November and 1st December 1964.

7. The Committee considered the report on 28th and 30th November 1964 and adopted it on the 1st December 1964. The Committee authorised me to present this Report.

8. The observations of the Committee with regard to the principal changes in the Bill are detailed in the succeeding paragraphs.

9. *Clause 2 (1) Item (3) (New item).*—The Committee consider that the expression "backward classes" should be defined as such classes as may be prescribed by rules. This item has therefore been included.

(2) *Original item (16).*—The Committee are of the opinion that there is no need to define the expression "inhabitant". This item has therefore been deleted.

(3) *Original item (21).* The definition of the expression "Mysore Panchayat Raj Service" has been omitted as original Clauses 386 and 387 relating to this service have been deleted.

(4) *Item (37) original item (39).*—The Committee consider that wherever Scheduled Castes are referred to, a reference to the Scheduled Tribes should also be made so that it may be clear that the reservation of seats and other benefits are meant for members of both the Scheduled Castes and Scheduled Tribes. The definition has accordingly been amended.

10. *Clause 3 (1) sub-clause (1).*—The Committee consider that there should be a maximum limit of population for a revenue village or group of revenue villages which can be declared as a village under the Act for the establishment of a Panchayat and that this should be 15,000. The proviso to this sub-clause has been accordingly modified.

(2) *Sub-clause (3).*—The Committee consider that the revisional powers of the Commissioner under this sub-clause should be exercised only after giving a reasonable

opportunity of being heard to the parties concerned. The sub-clause has accordingly been modified.

11. (*1*) *Sub-clause* (*3*).—The Committee felt that the reservation of seats to members of the Scheduled Castes and Tribes should be in proportion to their population in the village. Necessary provision has accordingly been made.

(*2*) *Sub-clause* (*5*).—The Committee consider that the power to co-opt the members of Panchayat should be given only when not less than one half of the total number of members are elected, and have accordingly modified the sub-clause.

12. *Clauses 8, 145 and 256* (*Original clauses 8, 136 and 227*).—The Committee consider that it should be laid down that every voter shall give all the votes which he is entitled to give at the elections. Clauses 8, 143 and 254 have been amended accordingly.

13. *Clauses 14,* 144 *and 235* (*Original Clauses 14, 136 and 228*).—The Committee consider that where a person is elected by more than one Panchayat, Taluk Board or Zilla Parishad constituency, and he does not choose the constituency which he desires to serve, the constituency to be served by him should be determined by lot. Clauses 14, 144 and 235 have been modified accordingly.

14. *Clauses 15 to 24* (*Original clause 15*).—The Committee are of the opinion that in order to achieve greater clarity it is desirable to rearrange the matter on the lines of the Provisions in the Representations of Peoples Act, 1951. The clause has accordingly been revised.

15. *Clause 37* (*Original clause 28*).—The Committee consider that copies of election pamphlets and posters printed or multigraphed should be sent to the District Magistrate. Sub–clause (2) of this clause has accordingly been modified.

16. *Clause 44* (*Original clause 35*) *sub-clause* (*2*) (*new sub-clause*).—The Committee consider that after the expiry

of his term of office, a Chairman of the Panchayat should continue to carry on the current duties till his successor is elected. A new sub-clause has accordingly been added.

17. *Clauses 51, 158 and 248 (Original clauses 42, 149 and 239).*—The Committee consider that there should be no suspension of a Chairman or Vice-Chairman of a Panchayat, a President or Vice-President of a Taluk Board, or an Adhyaksha or Upadhyaksha of a Zilla Parishad merely when criminal proceedings in respect of an offence involving moral turpitude are instituted against him. Suspension may be ordered only for detention in prison when the period of detention is one month or more. Clauses 49, 156 and 246 have been amended accordingly.

18. *Clauses 53, 161 and 251 (Original clauses 44, 152 and 242).*—The Committee consider that there should be provision for a special meeting of a Panchayat, a Taluk Board or a Zilla Parishad being called by the Vice-Chairman, Vice-President, Upadhyaksha, or the members, when the Chairman, President or Adhyaksha fails to call it on requisition by one-third of the number of members. The clauses have accordingly been modified.

19. *Clause 59 (Original clause 50).*—(1) The Committee consider that the provision of house sites for residents of the village and the promotion of welfare of children and women should also be the functions of the Panchayat. Item (xviii) in paragraph (a) and item (xv) in paragraph (e) of sub-clause (1) of this clause have accordingly been inserted.

(2) The Committee consider that there should be provision for the Panchayat to recover the cost of watch and ward of the village and crops from the persons benefited. A proviso has accordingly been added to sub-clause (1).

20. *Clause 66 (Original clause 57).*—The Committee consider that there should be representation for Scheduled Castes and Tribes and for women on the Social Welfare Committee of the Panchayat. A proviso has been added to ub-clause (3) (a) of this clause.

21. *Clause 69 (Original clause 60).*—The Committee consider that the village roads, bridges, cart tracks, etc. referred to in this clause should vest in the Panchayat. The clause has been amended accordingly.

22. *Clauses 70 and 76 (Original clauses 61 and 67.)*—The Committee consider that the decision of the Assistant Commissioner in appeals relating to licences for house building and other trade licences should be final. The clauses have been suitably modified.

23. *Clause 78 (Original clause 69)* (1) *sub-clause (2).*—The Committee consider that in addition to the Panchayat, the Taluk Development Officer should also have the power to remove obstructions and encroachments. The sub-clause has been amended accordingly.

(2) *Sub-clause (3).*—The Committee consider that the removal of sand from the village lands for domestic purposes by the residents of the village should not be subject to liability under this sub-clause. The sub-clause has been suitably amended.

24. *Clause 104 (Original clause 95).*—Under the first proviso to clause 102 the permission of the Director of Mines and Geology or a person authorised by him in this behalf will have to be taken as he is in charge of mines and minerals in the State, and not the Deputy Commissioner. Necessary amendment has accordingly been made.

25. *Clause 113 (Original clause 104).* (1) *sub-clause (4).*—The Committee consider that the articles subject to the levy and the minimum rates of octroi need not be fixed in the Act. One Clause and schedule I have accordingly been amended.

(2) *Sub-clause (7) (new sub-clause).*—The Committee consider that water rate for supply of water by the Panchayat and the fee for grazing cattle on land belonging to or vested in the Panchayat may be left to be determined by the Panchayat without any maximum or minimum being specified in the Act. This sub-clause has therefore been inserted.

(3) *Sub-clause (9) Original sub-clause (8).*—The Committee consider that the power of a Panchayat to levy an additional local cess should be limited to ten paise in the rupee instead of twenty paise. Item (a) of the sub-clause has been accordingly amended.

26. *Clause 114 (Original clause 105).*—The Committee consider that appeals against assessment and levy of tax or fee by Panchayats should be heard by the Assistant Commissioner and not by the Chief Executive Officer. The clause has been suitably amended.

27. *Clause 119 (Original clause 110).*—The Committee consider that the grant from land revenue to Panchayats should not be on a *per capita* basis, but should be on the basis of the land revenue collection of the village. They further consider that where the amount payable to a Panchayat on the basis of thirty per cent of the local collection works out to less than one rupee *per capita* of the population, an amount equal to the difference between the amount arrived at on a *per capita* basis and the amount paid on the basis of local collection should be given by Government as an additional grant to the Panchayat. They also consider that the land revenue collection of the village for the purpose of the first grant should be the average of three years' collection until the revision settlement under the Land Revenue Act takes place, and thereafter it should be the collection of the preceding year. The clause has been accordingly modified.

28. *Clause 121 (Original clause 112) sub-clause (4) (new sub-clause).*—The Committee consider that the Government should make an annual grant of a sum equal to half the remuneration of the Panchayat Secretary to every Village Panchayat. An additional sub-clause has accordingly been added.

29. *Clause 124 (Original clause 115).*—The Committee consider that no power of approval of the Panchayat budget should be vested in the Taluk Development Officer, but

that if the budget is not in accordance with the provisions of the Act or the rules or orders issued thereunder, the Taluk Development Officer may within two months modify the same to secure compliance with the Act, the rules or the orders. Sub-clause (2) has accordingly been modified.

30. *Clauses 130 and 131 (Original clauses 121 and 122).*—The Committee consider that the power to appoint the Administrator when two or more villages cease to be villages and are declared to be one village or when a local area is declared as constituting two or more new villages need not be with the Government but may be vested in the Deputy Commissioner. These clauses have therefore been suitably modified.

31. *Clauses 132 and 133 (Original clauses 123 and 124).*—The Committee consider that the power to dissolve a Panchayat when on account of the constitution of a new village or for any other reason the limits of a village are altered and to appoint an interim Panchayat, etc., should be vested in the Deputy Commissioner and not in the Chief Executive Officer. The two clauses have been accordingly modified.

32. *Clauses 137, 138, 139* and *162 (Original clauses 128, 129 and 130).*—The Committee are of the opinion that indirect election by electorates consisting of the members of the Panchayats in the taluk is not desirable and consider that all the members of the Taluk Boards should be directly elected by ballot by the voters in each taluk as at present. They are also of the view that the members of the State Legislative Assembly representing a part or whole of the taluk whose territorial constituencies lie within the jurisdiction of the Taluk Board and the members of the State Legislative Council ordinarily residing in the taluk should be entitled to take part in the proceedings of and to vote at the meetings of the Taluk Board. They consider that for purposes of consultation and securing co-ordination of work the Taluk Board may call meetings of all the Panchayat members in the taluk twice a year. The provisions of

Clauses 137, 138 and 139 have therefore been suitably modified, and a new clause 162 has been inserted.

33. *Clause 143 (Original Clause 134) Item (q).*—The Committee consider that members of the State Legislature who become *ex-officio* members of the Taluk Board under the new provision should be disqualified from contesting the seats open for direct election. This item has accordingly been amended.

34. *Clause 154 (Original Clause 144).*—The Committee consider that notwithstanding the expiry of their term, the President and Vice-President of the Taluk Board should continue in office until the election of the next President and Vice-President. A proviso has accordingly been added to this clause.

35. *Clause 155 (Original clause 145).*—The Committee consider that the President of a Taluk Board should be paid a salary of Rs. 150 per month, and an allowance of Rs. 100 per month in lieu of travelling and daily allowances for tours within the taluk, and that the Vice-President should be paid a consolidated allowance of Rs. 100 per month without the payment of travelling and daily allowances for tours within the taluk. The provisions of this clause have been accordingly modified.

36. *Clause 169 (Original Clause 159).*—The Committee consider that the associate member should be a member of the Production Committee and that there should be representation for women members and members of the Scheduled Castes and Tribes on the Social Welfare Committee and the Education and Health Committee of the Taluk Board. The clause has been modified accordingly.

37. *Clause 173 (Original Clause 164).*—The Committee consider that (i) the establishment and maintenance of rural veterinary dispensaries, (ii) the development of dairy, poultry, sheep breeding and piggery, (iii) the establishment and maintenance of secondary schools and (iv) the construction, renovation and maintenance of minor irrigation works

with an atchkat of 50 acres and below, should be added to the functions of the Taluk Development Boards. Suitable additions have been made in the list of functions in this clause.

38. *Clause 200 (Original Clause 191).*—The Committee consider that there should be a specific provision indicating that the grants provided in the State budget for the implementation of the Community Development Programme will be made over to the Taluk Development Boards. New item (iv) has accordingly been inserted.

39. *Clause 202 (Original clause 193).*—The Committee consider that the power of a Taluk Board to levy an additional local cess should be limited to ten paise in the rupee instead of twenty paise as provided in the Bill. Subclause (1) has therefore been suitably amended.

40. *Clause 203 (Original clause 194).*—The Committee consider that as in the case of Panchayats, the grant from land revenue to Taluk Boards should not be on a *per capita* basis, but should be on the basis of collections of land revenue of the Taluk. They further consider that where the amount payable to a Taluk Board on the basis of 30 per cent of the local collection works out to less than one rupee *per capita* of the Taluk's rural population, an amount equal to the difference between the amount arrived at on a *per capita* basis and the amount paid on the basis of local collection should be given as an additional grant to the Taluk Board. They also consider that the land revenue collection of the taluk for the purpose of the first grant should be computed on the same basis as for Panchayats. The provisions of this clause have been accordingly modified.

41. *Clause 204 (Original clause 195).*—The Committee consider that as the grants under the Community Development programme are made over to the Taluk Board there should be a specific provision for payment out of the Taluk Board Fund of the salaries of officers and servants of the Government deputed for work under the Board. They also consider that the provision made in sub-clause (2) of this

clause is not necessary. The clause has accordingly been modified.

42. *Clause 212 (Original Clause 203).*—The Committee consider that each Taluk Board should provide in its budget a sum equal t not less than two and a half per cent of its income, exclusive of Government grants and assignments for specific purposes, for the welfare of Scheduled Castes and Tribes and other backward classes. New item (d) has accordingly been inserted in sub-clause (3).

43. *Clause 227 (Original Clause 218).*—The Committee consider that the members of the House of the People, the State Legislative Assembly and the State Legislative Council representing a part or whole of a district whose constituencies lie within the jurisdiction of the Zilla Parishad and the members of the Council of States and the State Legislative Council not elected from territorial constituencies who are ordinarily resident in the district should be entitled to take part in the proceedings of and to vote at the meetings of the Zilla Parishad, and that the second associate member may be the Chairman of the District Industrial Co-operative Bank, Clause (2) has been amended and a new sub-clause (3) has accordingly been added to this clause.

44. *Clause 228 (Original Clause 219).*—The Committee consider that instead of the provision empowering Government to determine the number of members to be elected on the basis of one representative for a population of not less than 25,000 and not more than 50,000 in the district, the Taluk should be made the unit for determination of the number of members and the number of members to be elected in each taluk may progressively increase with the population of the taluk, subject to a maximum of four members for a taluk. The clause has been modified accordingly.

45. *Clause 231 (Original Clause 222).*—The Committee consider that the constituencies of Zilla Parishads should be either single-member or double-member constituencies. Sub-clause (1) has been modified accordingly.

46. *Clause 234* (*Original Clause 225*).—The Committee consider that the members of Parliament and of the State Legislature who are to become *ex-officio* members of the Zilla Parishads and members of municipal bodies should be disqualified from contesting the seats open for direct election. New item (k) has accordingly been inserted.

47. *Clause 246* (*Original Clause 237*).—The Committee consider that it is not necessary to provide the Adhyaksha of the Zilla Parishad with a furnished residence at the District Headquarters free of rent, and that he may instead be given a house rent allowance of one hundred rupees per month. They further consider that the Upadhyaksha's allowance may be reduced to two hundred and fifty rupees per month and that the Adhyaksha and Upadhyaksha should not be permitted to draw any travelling and daily allowances for tours within the district. They also consider that it is necessary to make an additional provision that during the absence of both the Adhyaksha and the Upadhyaksha or when both the offices are vacant, the Commissioner should nominate a member to function as the Adhyaksha. The clause has been revised accordingly.

48. *Clause 254* (*Original Clause 245*).—(1) The Committee consider that the Chief Executive Officer should be of the rank of a Deputy Commissioner, and that provision should be made for appointment of a Chief Accounts Officer by the Government. The clause has been modified accordingly.

(2) The Committee are of the opinion that there should be a Selection Committee for recruitment of Primary School teachers and that its composition should be laid down in the Act. A new sub-clause (5) has accordingly been added.

49. *Clause 258* (*Original Clause 249*).—(1) The Committee consider that the associate members representing Co-operatives should be on the Production Committee of the Zilla Parishad, that the Education Committee should consist of at least one member who is a woman and one member

belonging to the Scheduled Castes or Scheduled Tribes and that the Social Welfare Committee should consist of the members belonging to the Scheduled Castes and Scheduled Tribes not exceeding three. Sub-clause (3) has been amended accordingly.

50. *Clause 263* (*Original Clause 254*).—The Committee consider that the functions in respect of minor irrigation works with an atchkat of 50 acres and below, rural veterinary dispensaries, and establishment, management and supervision of secondary schools included in the functions of the Zilla Parishads may be transferred to the Taluk Boards. These items have accordingly been deleted. They further consider that under the head "Co-operation" the functions of the Zilla Parishads may be limited to (i) promotion and extension of activities of Co-operative Societies and (ii) taking shares in Co-operative Societies in cases where Government can take shares. They also consider that the Zilla Parishads may be entrusted with the establishment and maintenance of general hostels, ashram schools and orphanages, and that in respect of grants-in-aid for educational institutions the functions given to the Zilla Parishads may comprise sanction and distribution of Government aid to primary as well as secondary schools. The list of functions has accordingly been suitably altered.

51. *Clause 264* (*Original Clause 255*).—The Committee consider that the transfer of completed works or development schemes in relation to subjects transferred to the Zilla Parishads should be on terms and conditions which are agreed upon between the Government and the Zilla Parishad. Sub-clause (1) has been modified accordingly.

52. *Clause 265* (*Original Clause 256*) *sub-clauses* (2) *and* (3) (*new sub-clause*).—The Committee consider that the clause relating to the transfer of functions should also specify that with the transfer of functions (i) all assets and liabilities pertaining to the functions shall stand transferred and vest in the Zilla Parishad, and (ii) the services of employees who are employed wholly or mainly in connection with the functions

shall be made available to the Zilla Parishads, the Government paying their salaries and that the primary school teachers shall become employees of the Zilla Parishad subject to protection of their rights, privileges and conditions of service. Two sub-clauses have accordingly been inserted.

53. *Clause 266 (new clause).*—The Committee consider that the functions and powers of the Zilla Parishad in respect of Primary Education should be specified in the Bill. A new clause has accordingly been added.

54. *Clause 269 (Original Clause 259) Item (c) (New item).*—The Committee consider that with the divestment of functions in respect of the establishment and management of secondary schools, there should be provision for the Zilla Parishads to render financial assistance to Taluk Boards in the maintenance of secondary schools where the Boards need such assistance. This item has accordingly been inserted in sub-clause (1).

55. *Clause 273 (Original Clause 263).*—The Committee consider that instead of a single Zilla Parishad Fund, there should be two Zilla Parishad funds, *viz.*, the General Fund and the Education Fund, with specific provision in regard to the items of receipts to go into each. The clause has therefore been modified accordingly.

56. *Clause 274 (Original Clause 264).*—The Committee consider that the local cess levied by the Government for the purposes of the Zilla Parishad may be at twelve paise in the rupee and not at forty paise in the rupee. The levy may be on land revenue and not on the other items of State revenue and revenue of local authorities mentioned in the original Schedule III. They further consider that the power to be given to the Zilla Parishads to levy an additional local cess may be limited to ten paise in the rupee on land revenue. The clause has accordingly been suitably altered.

57. *Clause 276 (Original Clause 266)* (1) *Sub-clauses (1), (2) and (3).*—The Committee consider that the grant from land revenue to a Zilla Parishad may be limited to ten per cent of the land revenue collection of the district and also that the land revenue collection of the district for this purpose may be computed on the same basis as is indicated in the chapters relating to Panchayats and Taluk Boards. Sub-clauses (1), (2) and (3) have accordingly been amended.

(2) *Sub-clause (4) (new sub-clause).*—The Committee consider that there should be specific provision that Government should meet the expenditure on account of the salaries and allowances of the Chief Executive Officer, the Chief Accounts Officer, the Deputy Chief Executive Officer of the Zilla Parishad and their establishments and of the Officers of classes I, II and III of the Development Departments, whose services are placed at the disposal of the Zilla Parishad. This sub-clause has accordingly been added.

58. *Clause 277 (Original Clause 267).*—The Committee consider that in consonance with the provision made in clause 273, the provision for application of the Zilla Parishad fund and property should also be separately indicated for the General Fund and the Education Fund. Accordingly, a new sub-clause (2) has been added to this clause.

59. *Clause 284 (Original Clause 274).*—The Committee consider, (i) that there need be no approval by Government of the Zilla Parishad budget and that it would be adequate if a copy of the budget as passed by the Parishad is sent to the Government and the Commissioner; (ii) that if the Zilla Parishad fails to approve of the budget before a specified date, the budget may be approved by Government with or without modification, and (iii) that as in the case of Taluk Boards, each Zilla Parishad should provide a sum equal to not less than two and a half per cent of its income exclusive of Government grants and assign-

ments for specific purposes, for the welfare of Scheduled Castes and Tribes and other backward classes. The clause has been revised accordingly.

60. *Clause 297 (Original Clause 287).*—The Committee consider that no Nyaya Panchayat should be established for a circle unless a resolution is passed in each Panchayat concerned by all the members present agreeing to the establishment of the Nyaya Panchayat. A proviso has accordingly been added to sub-clause ( ).

61. *Clause 316 (Original Clause 306).*—The Committee consider that the period of limitation fixed for suits for compensation for wrongfully taking or injuring any moveable property and for damage by cattle trespass at three years is excessive and that this may be reduced to one year and three months respectively. Necessary amendments have accordingly been made.

62. *Clause 317 (Original Clause 307) sub-clause (2).*—The Committee consider that the notification amending Schedule IV should be issued by Government only after it has been approved by both Houses of the State Legislature. A proviso has accordingly been added to this sub-clause.

63. *Clause 333 (Original Clause 323)* —The Committee consider that there should be a specific provision that the accused shall appear before the Nyaya Panchayat during the trial of the offences. A proviso has accordingly been added.

64. *Clause 343. (Original Clause 334).*—The Committee are of the opinion that it is necessary to make it clear that proceedings before regular Courts can be taken only if such Courts are satisfied that the party could not take action before the Nyaya Panchayat for sufficient cause. A proviso has accordingly been added to this clause.

65. *Clause 354 (Original clause 344). sub-clause (2) (New sub-clause).*—The Committee consider that where a resolution is passed by the Panchayats within the jurisdiction

of a Nyaya Panchayat by a majority of not less than three-fourths of the total membership of each Panchayat that the Nyaya Panchayat may be dissolved, the Government should dissolve the Nyaya Panchayat. This sub-clause has accordingly been added.

66. *Clause 357 (Original Clause 346).*—The Committee consider that there should be provision for the State Council for Panchayat Raj to require the presence of any officer or person when such presence is considered necessary at any of its meetings. A new sub-clause (5) has been added accordingly.

67. *Clause 360 (Original clause 350).*—The Committee feel that the provision made giving power to the Chief Executive Officer to direct a Panchayat or Taluk Board to increase its income to such extent as is considered necessary for the proper discharge of its duties, is excessive, and that it may be limited to directing a Panchayat to levy a tax if it has failed to do so in accordance with the provisions of the Act. Item (d) of sub-clause (1) has accordingly been modified.

68. *Clause 363 (Original Clause 255) sub-clause (2).*—The Committee consider that the power of the Government to allocate and determine the share of expenditure on schemes under the State's Five Year Plans undertaken for the benefit of Zilla Parishads or Taluk Boards or Panchayats where it is in the opinion of the Government necessary to secure their financial participation should be exercised after consultation with the Zilla Parishads, Taluk Boards, or Panchayats concerned. This sub-clause has accordingly been amended.

69. *Original Clauses 386 and 387.*—The Committee consider that there is no need to have another service called the Mysore Panchayat Raj Service and that the officers other than Government officers serving under Zilla Parishads, Taluk Boards and Panchayats may belong to the service of the Zilla Parishad, Taluk Board or Panchayat concerned. Accordingly these clauses have been deleted.

70. *Clause 397 (New Clause).*—The Committee consider that in addition to the land revenue grant given to the Panchayats and Taluk Boards, the Government should assign to the Taluk Boards and the Panchayats an amount equal to three and three-fourths per cent of the land revenue in each case, to be expended on such purposes as the Government may from time to time direct and where any village is in a forest area or a Taluk is largely covered by forests, the Government should in addition, pay to the Panchayats and Taluk Boards concerned a grant out of the forest revenue of the taluk. This new clause has accordingly been inserted.

71. *Clause 412 (Original Clause 403).*—The Committee consider that in addition to the loan instalment or interest or other amounts due to Government from Panchayats, Taluk Boards or Zilla Parishads in respect of which power is taken to make adjustments from the Panchayat, Taluk Board or Zilla Parishad Funds it is necessary to have the power where salaries, allowances or leave and pensionary contributions of Government servants deputed for service under the local authorities, remain unpaid. The clause has been accordingly amended.

72. *Original Clause 407.*—The Committee are of the opinion that there should be no provision enabling Government to take over any property vested or vesting in a Panchayat, Taluk Board or Zilla Parishad on such terms as the Government may determine. This clause has accordingly been deleted.

73. *Clause 414 (New Clause).*—The Committee consider that there should be provision to make the grant, lease, sale or other transfer of moveable or immoveable property by a Panchayat, Taluk Board or Zilla Parishad subject to such conditions as the authority concerned may specify, notwithstanding anything contained in the Transfer of Property Act. This new clause has accordingly been inserted.

74. *Clause 420 (Original Clause 411).*—(1) As the Committee consider that the levy of local cess for the Zilla

Parishad by the Government under clause 272 should be in addition to the existing education cess and health cess, the Health Cess Act and the two Elementary Education Acts which were proposed to be repealed in the Bill have been retained and a suitable amendment is proposed to the Bombay Primary Education Act.

(2) The Committee consider that there should be provision for transfer of the rights, obligations, assets and liabilities and all contracts made by or on behalf of the Municipal School Board under the Bombay Primary Education Act, 1947, to the Municipal Council or other Municipal body or other authority concerned. A proviso has accordingly been added at the end of the clause.

75. *Schedule I.*—In this Schedule the minimum and maximum rates of tax on buildings have been reduced and in Part II of the Schedule some items liable to octroi, *viz.*, Khadi and Khadi products, raw silk, handloom pieces, coir matting and cacoons have been omitted. Also as mentioned in para 25. The minimum rates for the levy of octroi have been deleted.

76. *Original Schedule III.*—Original Schedule III has been omitted as local cess and additional cess levied by the Panchyats. Taluk Boards or Zilla Parishads are proposed only on land revenue and not on other items of State revenue or revenue of local authorities.

77. *Original Schedule IV*—The items (1) "Obscene acts and songs"—(Section 294 I.P.C.) (2) "Wrongfully restraining any person"—(Section 341 I.P.C.), and (3) "Criminal trespass"—(section 447 I.P.C.) have been omitted from the schedule as the Committee consider that such offences should be tried by the ordinary Criminal Courts. The monetary value of property relating to the offences of (1) theft and (2) dishonestly receiving or retaining stolen property triable by Nyaya Panchayats should not exceed Rs. 250. Necessary amendments have accordingly been made.

78. The other amendments made in the Bill are either of a minor nature or consequential or intended to improve the language.

79. The Joint Select Committee recommend that the Bill as amended be passed.

RAMAKRISHNA HEGDE,
Chairman,
Joint Select Committee.

BANGALORE,
Dated 1st *December*, 1964.

G. S. VENKATARAMANA IYER,
Secretary.

MINUTES OF DISSENT.

I have carefully considered the various aspects of the Bill as it is now amended by the Joint Select Committee. I endorse the main provisions of the Bill. I am, however, unable to agree with the majority of the members on the following two points and as such I am compelled to submit a minute of dissent.

The two points are :—(1) Cess collection on land revenue and (2) Payment of salaries, allowances and house rents to the elected office bearers in the Taluk Boards and Zilla Parishads.

(1) *Cess on Land Revenue.*—Under the Bill presented to the Legislature, a very high percentage of cess was sought to be imposed. It was indeed shocking. Under the amended Bill by the Joint Select Committee, it is proposed that the State Government shall levy local cess at the rate of twelve paise in a rupee on all items of land revenue and in addition to the above, the Village Panchayat, Taluk Board and Zilla Prishad are each competent to levy a cess of ten paise in a rupee on land revenue.

The Government cess and the local cess of the three bodies comes to 42 paise in a rupee. Even though a discretion is given to the local bodies, it is bound to be strictly enforced. In addition to the above cess, there is the education cess of 19 paise and health cess of 9 paise in a rupee. All this comes to 70 paise in a rupee.

The Revenue settlement is in progress and what would the final land revenue to be fixed is not possible to guess now. Under notices issued by the district authorities, there are proposals to raise it by 200 per cent to 600 per cent or even more. Any cess fixed upon this Bill will be upon the enhanced land revenue. One who is paying a land revenue of hundred rupees now, in case it is raised to two hundred under the revised settlement, will have to pay a total cess

of nearly one hundred and fifty rupees; this means that he will have to pay over rupees three hundred as tax on the land he cultivates. This is indeed shocking. Can our ryot pay it and survive to expand his agriculture so as to serve himself, his family and the country? We have to take into consideration the lot of the average ryot who has less than an economic holding. It is argued that the prices of agricultural commodities have gone up four-fold and there can be no objection to pay such an enhanced land tax. This argument is not sound as the standard of living of rural public has suffered a steep fall. If tax on land is raised as enumerated above, agriculture will suffer a severe set-back and there will be acute crisis on the food front.

I, therefore, propose that the proposed imposition of cess under the Bill must be withheld till the survey settlement is complete. When we will be in a position to know the land revenue, we can think of the imposition and the nature of it. I am firmly of the opinion that those who have five acres of land under food crops must be exempted from all the cess proposed under this Bill. Those who have less than ten acres under food crops may be made liable to pay half cess under the three local bodies. This will help the expanding of agriculture.

(2) *Payment of Salaries, Allowances and House Rents to the elected office-bearers in the Taluk Boards and Zilla Parishads.*—Under the Bill, an honorarium was proposed; now, under the Bill as amended by the Joint Select Committee, under clause 153 a salary of Rs. 150 per mensem and an allowance of Rs. 100 per mensem is proposed to the Presidents of the Taluk Boards. In my opinion, only a sum of Rs. 200 per mensem should be paid as honorarium to them. Similarly under the Bill an honorarium of Rs. 500 per mensem was proposed to the Adhyaksha *plus* a furnished free house. Now, under the Bill as amended by the Joint Select Committee, a salary of Rs. 500 per mensem is proposed to the Adhyaksha *plus* a house rent of Rs. 100 per

mensem. In my opinion, this is too much. It will be sufficient to pay the Adhyaksha a sum of Rs. 400 per mensem honorarium and no separate allowance be paid as house rent or travelling allowance. The above office-bearers have the benefit to use the conveyances of the Taluk Boards or the Zilla Parishads. A sense of service and dedication must develop in everybody.

B. P. KADAM,

1-12-1964.

The Village Panchayats, Taluk Development Boards and the District Advisory Councils organised by the Government of Mysore under the Mysore Village Panchayat and Local Bodies Act, 1959, came into being on 1st November 1959. The functioning of these bodies during these years have revealed that the statute had confessed or then with such powers and authority, nor provided adequate resources, as may be necessary to enable them to function as units of self-Government. Hence the need has arisen to revise the law relating to the Panchayat Raj institutions, enabling the latter to become more effective, really democratic and self sufficient, resulting in the genuine transfer of power to the people.

In the light of this, it is to be seen whether the proposed bill ensures the realisation of democratic decentralisation by making these Panchayat Raj institutions autonomous and self-Governing units.

The provisions in the Bill, allowing the Legislators participate in the proceedings of and voting at the meetings of the Taluk Boards and the Zilla Parishads, would make these institutions hardly democratic and it is really very unfortunate. The possibility of the Legislators influencing the course of decision as against the mandate of the people through their elected representatives cannot be ruled out.

Since the Taluk Boards and Zilla Parishads are elected bodies, it is beyond any stretch of reasoning to allow non-elected persons to wield influence on several issues that might come up for decisions. This would virtually set at the principle that elected bodies alone should govern the Panchayat Raj bodies.

When the Legislators are prohibited from either contesting these bodies or to hold offices, it does not stand to reason to allow them to take part in the deliberations and to vote thereat. We are aware that for a major part of the year, Legislators are engaged in connection with the work of the

Legislature and hardly they can actively participate in the deliberations of these bodies. Being Legislators they should not allow themselves to take sides as local problems and afford no scope for the growth of local leadership.

At best the Legislators may be taken as *ex-officio* or associate members without voting rights.

Clause 141 (9) and Clause 232 (*k*) provide for the disqualification of the members of State Legislature and members of Parliament from being chosen as members of Taluk Board or Parl ament. This in our humble opinion is a violation of the fundamental right guaranteed under the Constitution. It cannot be said that this amounts to the imposition of reasonable restraint in the interest of the public. The institutions of the Legislature and Parliament are institutions created bodies and they cannot be equated to any other local body to justify the disqualification on the members of the former from being elected as members of the latter.

A person who accepts employment as legal practitioner against the Panchayat is disqualified from being elected as a member of the Panchayat—Clause 12 (1) and if he is a member of the Panchayat, his seat becomes vacant in case he incurs the disqualification under Clause 12 [Clause 13(i)] and this is opposed to principles of natural justice and hence intenable.

We desire to submit that any function that the Government may transfer or entrust to the Panchayat must be only after securing the consent of the latter. Clause 60, Clause 210 (*d*) and Clause 282 (3) (*c*) provide that a sum equal to not less than two and half per cent of the income of the Taluk Board and that of the Zilla Parishad respectively, exclusive of Government grants and assignment for specific purposes should be set apart for the welfare of Scheduled Castes and Tribes and other backward classes.

Since the welfare of the other backward classes is also envisaged, in our opinion the minimum percentage is to be raised to at least five.

The services of a paid secretaries are absolutely essential for the successful functioning of the Panchayats. Though it is ensured that every Panchayat would receive amount which would work out at one rupee *per capita* by way of Revenue assignment and in spite of the scope for buying taxes and cess, the resources of, several panchayats would be inadequate to pay every position out of its funds towards the salary and allowance of the Secretary. Hence the entire remuneration of the Secretary of the Panchayat is to be met from the Government and not one half as envisaged in Clause 119 (4).

The cesses that can be levied as proposed in the bill is, on every rupee on Land Revenue ten paise by the Panchayat, ten paise by the Taluk Board, ten paise by the Zilla Parishad and twelve paise by the Government on behalf of the Zilla Parishad and in all 42 paise on every rupee. In addition to this, the Health Cess of 9 paise and education cess of 19 paise on every rupee is also retained, which in all works out 70 paise on every rupee of Land Revenue. The economic conditions of the agriculturists have not been improved to any measure and really it would be very hard for the agriculturists to bear, and move so when the land revenue is revised. It is expected that the Land Revenue is revised. It is expected that the Land Revenue would be doubled in which case every ryot paying one rupee Land Revenue at present will have to pay Rs 3.40 after revision inclusive of the cesses. This would hit the ryot to a layer extent and there would be hardly any scope for bettering his lot.

It is not desirable to retain the Health Cess Act and the two Elementary Education Acts which Govern the levying of Health Cess and Education Cess in the State. Since the amount of cess leviable on every rupee of Land Revenue is 42 paise the repealing of the above said Acts are necessarily called for.

On Nyaya Panchayats.

The Pachayats have been functioning since several years past but not to the extent expected of them due to variety of reasons. Now the law relating to Panchayat Raj institutions is sought to be revised with a view to make these bodies functions effectively. The result is to be watched after the new legislation is given effect to. That being the case, a proposal for the constitution of Nyaya Panchayat and trying to experiment with it would neither be called for nor necessary at the junction. We have the past experience how justice has been dispersed with in villages even with limited powers in regard to petty claims.

Due to very many elections, that the people are face are bound to be faction ridden and judicial power, that too, criminal power conferred on any elected body is sure to be abused and cause harm especially to the weaker sections of the society.

It is also not possible to presume that persons having the requisite knowledge or character will always be elected to the Nyaya Panchayat. Unless an atmosphere wherein the people could repose confidence in the elected Nyaya Panchayat is created the constitution of the same is bound to fail.

The civil power sought to be vested in the Nyaya Panchayats is very wide and likely to be misused and Clause 309 (1) is so comprehensive that it would cover a variety of claims of a complicated nature.

With regard to the criminal power sought to be vested the less said the better. Certain offences which are cognizable under the Criminal Procedure Code can be taken cognizance of by the proposed Nyaya Panchayat and there is prohibition for Court, Civil or Criminal to try any suit or take cognizance of any offence triable by Nyaya Panchayat—and this in our humble opinion is inconsistant and opposed to the provisions of the Criminal Procedure Code.

Whenever the information relating to the commission of a cognizable offence is received, by officer in-charge of a Police Station, it is his bounded duty to register the same and start investigation and this duty cast on the Police officer is set at nought by the power proposed to be conferred on the Nyaya Panchayat. Further several offences that are not compoundable as per the Cr.P.C. become compoundable at the hands of the Nyaya Panchayat which is opposed to the principles of criminal jurisprudence.

The fundamental principle that "nine culprits .... go set free but one innocent person should not be convicted"—how far this could be nurtured and maintained by Nyaya Panchayats.

G. V. GOWDA,
T. N. MADAPPA GOWDA.

8th December 1964.

1. I am one with the Committee in believing that there is need to revise the law relating the Panchayat institutions especially regarding the enlargement of the powers and responsibilities of the Village Panchayats and enhancing their financial resources. All in all I have no quarrel with the provisions regarding Village Panchayats, as they have finally emerged in the Committee though we would have wished for a greater financial assistance to them.

2. But I strongly dissent from the views of the Committee regarding the constitution of Taluk Development Boards as visualised in the report.

3. We as a nation are obussed with politics and elections already. The present Bill provides for direct elections to all the three bodies, *i.e.*, Village Panchayats, Taluk Development Boards and Zilla Parishads simultaneously. We can only visualise the colousal nature of the task and expenditure involved and the heat, bitterness and factionalism that are certain to be engendered. We have had Legislations based on outmodod ideals and ultimately it is the common man who is the victim. After all, in the Bill there is triplication of most of functions and expenditure between the three bodies. I believe that a strong Village Panchayat and Zilla Parishad with an advisory body in the middle, *i.e.*, Taluk Development Board would in the long run work better than three competing institutions. In the neighbouring State of Madras such an arrangement has been working very satisfactorily. I believe that the present part III of the Bill should be entirely recast providing for a Taluk Development Board consisting of representatives of Village Panchayats in the Taluk and such others as may be deemed necessary indirectly elected and co-opted.

4. I agree that there should be a strong Zilla Parishad to take charge of and properly administer the more important institutions in the district and supervise and accelerate its developmental work.

5. I approve of the provisions in Clauses 141 and 232 disqualifying the members of the Legislature from contesting the seat open for direct election to both the Taluk Development Boards and Zilla Parishads. But these clauses

give them rights to take part in the proceeding and vote at these meetings. In practice, in many cases, these members attend the meetings from the election of Office-bearers alone and not otherwise. In many of these bodies there are a very large number of Legislators who can always manipulate these elections and nullify the effect of the votes of the directly elected members. I suggest that Legislators should also be prohibited from participating in elections to the offices of the President and Vice-President in the Taluk Development Board and of the Adhyaksha and Upadhyaksha in the Zilla Parishad. This will bring about a cleaner administration.

6. In Clause 254 (vi) management of Taluk Head Quarters dispensaries, etc., are proposed to be handed over to Zilla Parishads. We oppose this move. At least one Hospital in each Taluk like the Taluk Head Quarters hospital should be managed by the Government.

7. Part V relating to Nyaya Panchayats is the most controversial and misconceived portion of the Bill. The High Court of Mysore and the Inspector-General of Police, Mysore have given very cogent reasons why this portion of the Bill should not be allowed to remain as it is. I respectfully endorse the views expressed by them.

8. This portion as drafted and agreed to by the Committee will lead to ancentuation of village factions, will create endless legal and constitutional complications. Some of the clauses border on the unconstitutional and other are improper impracticable or will come into conflict with the ordinary civil and criminal law of the land. Hence I am opposed to this portion of the Bill relating to the Nyaya Panchayat as agreed to by the Committee. Either the whole portion should be totally deleted or recast giving only very small and limited powers to these Courts in petty civil and criminal cases as an experimental measure. We can think of enlarging these powers in case the experiment succeeds.

10th December 1964. V. SRINIVASA SHETTY.

As a Member of the Joint Select Committee on the Mysore Panchayat Raj Bill, 1964, I have gone through the provisions of the Original Bill as well as the Bill as amended by the Joint Select Committee, and the observations of the Committee with regard to the principal changes made in the amended Bill. Under the clauses of this bill, wide powers, both administrative and financial are proposed to be given to the Village Panchayats, Taluk Boards, and Zilla Parishads, though under Article 40, steps are to be taken to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

As it has been solemnly resolved under the Indian Constitution to secure to all citizens, among other things, social, educational, economic and political justice and equality of status and opportunity, the State Govrenment, the State Legislature and the Local Authorities, should strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic, educational and political, shall inform all the institutions of national life. As laid down under Article 15(4) and Article 46 of the Constitution, the State Government, the Local and other authorities should make special provision for the advancement of any socially and educationally backward classes of citizens or of the Scheduled Castes and Tribes and should promote with special care the educational, and economical interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Tribes, and shall protect them from social injustice and all forms of exploitation. Since these directive principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State Government and the State Legislature to apply these principles in making laws.

The Panchayat Raj Institutions, which are autonomous bodies, with independent powers will have to play a very important role to secure the welfare of the weaker sections of the people. At the meetings of the Joint Select Committee held during August 1964, I explained and urged the committee for adequate safeguards for the Scheduled Castes and Tribes and other backward classes. Then the Committee agreed with me and accordingly have made certain recommendations. Therefore, I am very strongly of the opinion and urge that the following safeguards for the welfare of the Scheduled Castes and Tribes and other Backward classes, as suggested by me to the Panchayat Raj Bill as amended, be incorporated. Hence, my note of dissent is enclosed herewith with a request to see that the safeguards suggested by me in the note are incorporated against the appropriate clauses in the Bll as amended.

Note of Dissent.

(1) *Pages 43 and 44 and clause 6(2) of the amended Bill :*

6(2) seats shall be reserved in a Panchayat for the Scheduled Castes and Tribes, the number of such seats, bearing as nearly as may be the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes or Tribes in the Panchayat bears to the total population of the Panchayat.

Provided that no seat need be reserved for the Scheduled Castes and Tribes in any Panchayat, if the population of the Scheduled Castes and Tribes is less than twenty-five.

(2) *Pages 82 and 83 and Clause 64(3)(a)of the amended Bill :*

(3) Provided that the Social Welfare Committee shall consist of at least one member who is a woman and *two* members belonging to Scheduled Castes and Tribes.

(3) *Page* 118 *and Clause* 112(1)(*d*) *of the amended Bill*:

In the Budget Estimate, the Panchayat shall, among other things, provide (i) a sum equal to not less than five per cent of the income of the Panchayat for the welfare of the Scheduled Castes and Tribes, (ii) a sum equal to not less than five per cent of the income of the Panchayat for the welfare of other Backward Classes, exclusive of Government grants and assignments for specific purposes.

(4) *Page* 152 *and sub-clause* (3) *of Clause* 167 (1) *of the amended Bill*:

(3) Provided that the Social Welfare Committee shall consist of at least one member who is a woman and *two* members belonging to the Scheduled Castes and Tribes.

(5) *Page* 155 *and Clause* 168 (3) (*c*) *of the amended Bill*:

(*c*) Delete the Clause (*c*) "Making recommendations to the Taluk Board in respect of matters referred in Item XII of Section 171":

(6) *Page* 181 *and* 182 *and Clause* 210 (3) (*d*) *of the amended Bill*:

(*d*) provided (i) a sum equal to not less than five per cent of the income of the Taluk Board for the welfare of the Scheduled Castes and Tribes, (ii) a sum equal to not less than five per cent of the income of the Taluk Board for the welfare of the other Backward Classes, exclusive of Government grants and assignments for specific purposes.

(7) *Page* 192 *and Clause* 228 *of the amended Bill*:

228. *Representation for Scheduled Castes and Tribes*:— Seats shall be reserved in the Zilla Parishad for the Scheduled Castes and Tribes, the number of such seats bearing as nearly as may be the same proportion to the total number of seats provided under Clause (*a*) and (*b*)

of Clause 225(1) as the population of the Scheduled Castes and Tribes in the District bears to the total population of the District.

(8) *Page 212 and Clause 256(3) of the amended Bill:*

(*b*) The Education Committee shall consist of at least one member who is a woman and *two* members belonging to the Scheduled Castes and Tribes. The Social Welfare Committee shall consist of at least *four* members belonging to the Scheduled Castes and Tribes, unless the number of members belonging to these classes in the Zilla Parishad, is less in which case the member or the members of these classes shall be members of the Committee.

(9) *Page 233 and Clause 282(3) (c) of the amended Bill:*

(*c*) provide (i) a sum equal to not less than five per cent of the income of the Zilla Parishad for the welfare of the Scheduled Castes and Tribes, (ii) a sum equal to not less than five per cent of the income of the Zilla Parishad for the Welfare of the other Backward Classes, exclusive of Government grants and assignments for specific purposes.

(10) *Page 240 and Clause 296(2) (b) of the amended Bill:*

(*b*) two persons belonging to the Scheduled Castes and Tribes, if no such number of persons have been elected to the Nyaya Panchayat.

8th December 1964.

M. MADIAH.

APPENDIX I.

(*Vide* Para 3 of the Report.)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

"That the Mysore Panchayat Raj Bill, 1964, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely:—

Sriyuths:—

1 G. V. Gowda
2 B. P. Kadam
3 Siddiah Kashimath
4 B. Bhaskar Shetty
5 T. N. Madappa Gowda
6 A. Sharanappa
7 D. M. Siddiah
8 N. Huchmasthy Gowda
9 R. Muniswamiah
10 M. R. Patil
11 R. S. Hegde
12 B. L. Gowda
13 A. J. Doddameti
14 R. S. Patil
15 Smt B. Basava rajeshwari."

APPENDIX II.

(*Vide* Para 4 of the Report)

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

"That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Panchayat Raj Bill, 1964 consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members, from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely:—

Sriyuths:—

1 M. Madaiah
2 P. M. Nadagouda
3 G. B. Patil
4 K. T. Shamaiah Gowda
5 V. Srinivasa Shetty."

THE MYSORE PANCHAYAT RAJ BILL, 1964

ARRANGEMENT OF CLAUSES

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1. Short title, extent and commencement.
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PART II—PANCHAYATS

CHAPTER II—ESTABLISHMENT AND CONSTITUTIONS OF PANCHAYATS

3. Declaration of village.
4. Gram Sabha.
5. Establishment of Panchayats.
6. Constitution of Panchayats.
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8. Method of voting and procedure for elections.
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12. Disqualification for candidates.
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15. Election petitions.
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17. Procedure before the Munsiff.
18. Decision of the Munsiff.
19. Grounds for declaring Election to be void.
20. Grounds for which a candidate other than the returned candidate may be declared to have been elected.
21. Procedure in case of equality of votes.
22. Corrupt Practices.
23. Order as to Corrupt Practices.
24. Communication of Orders.
25. Fresh election if a seat becomes vacant.
26. Prohibition of canvassing in or near polling stations.
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28. Penalty for misconduct at polling station.
29. Maintenance of secrecy of voting.
30. Officers, etc., at elections not to act for candidates or influence, voting.
31. Breaches of official duty in connection with elections.
32. Removal of ballot papers from polling stations to be an offence.
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[As Reported by the Joint Select Committee]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE PANCHAYAT RAJ BILL, 1964.

A Bill to consolidate and amend the law relating to Panchayats and Taluk Development Boards and to provide for the constitution of Zilla Parishads and Nyaya Panchayats in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the laws relating to Panchayats and Taluk Development Boards and to provide for the constitution of Zilla Parishads and Nyaya Panchayats in the State of Mysore and for other matters hereinafter appearing :

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

PART I

CHAPTER I

PRELIMINARY

TITLE AND DEFINITIONS

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Panchayat Raj Act. 1964.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the Government may, by notification, appoint ; and different dates may be appointed for different areas and for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) "Adhyaksha" means the Adhyaksha of a Zilla **Parishad ;**

(2) "Assistant Commissioner" means an Assistant Commissioner in charge of a revenue sub-division;

(3) "Backward Classes" means such classes as may be prescribed;

(4) "building" includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise and shall include a wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;

(5) "business" includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(6) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;

(7) "Chairman" means the Chairman of a Panchayat;

(8) "Chief Executive Officer" means the Chief Executive Officer of a Zilla Parishad;

(9) "Commissioner" means the Divisional Commissioner or such other officer as may be appointed by the Government to exercise the powers of the Commissioner under this Act;

(10) "company" means a company as defined in the Companies Act, 1956 (Central Act 2 of 1956) and includes any firm or association carrying on business in the State of Mysore whether incorporated or not or its principal place of business is situated therein or not;

(11) "District" means a revenue district constituted subject to the alteration of boundaries, if any, made under section 225 but excluding therefrom the limits of a municipal corporation, a municipality, a cantonment, or a sanitary board, town board, or notified area committee constituted under any law for the time being in force;

(12) "erection or re-erection or enlargement" of any building includes—

(i) any material alteration or enlargement of building;

(ii) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation ;

(iii) the conversion of one or more places of human habitation into a greater number of such places ;

(iv) the conversion of two or more places of human habitation into a lesser number of such places ;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security ;

(vi) the addition of any rooms, buildings, outhouses or other structures to any building ;

(vii) the conversion, by any structural alteration, into a place of religious worship or into a building used for a sacred purpose, of any place or building not originally meant or constructed for such purpose ;

(viii) roofing or covering an open space between walls or buildings, in respect of the structure which is formed by roofing or covering such space ;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or *vice versa* ;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall, and opening on such street or land ;

(13) "factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948) any premises including the precincts thereof wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency ;

(14) "Government" means the State Government ;

(15) "Health Officer" means the Health Officer, if any, employed by or on behalf of the Taluk Board, or the Zilla Parishad, and if there is no such officer, the Government Health Officer having jurisdiction over the Taluk or District concerned ;

(16) "infectious disease" means cerebro-spinal fever, chickenpox, cholera, diphtheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either generally throughout the State or in such part or parts thereof as may be specified in the notification;

(17) "land revenue" means all sums and payments received or claimable by or on behalf of Government, from any person on account of land held by or vested in him as fixed at a survey settlement current in the area in which the land is situated;

Explanation:—In the case of any village to which survey settlement has not been introduced, an amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining village to which survey settlement has been introduced as may be determined by the Deputy Commissioner shall be deemed to be the land revenue for purposes of this Act;

(18) "latrine" includes a privy, water-closet and urinal;

(19) "local authority" includes a municipal corporation, municipal council, taluk development board, zilla parishad, town panchayat, village panchayat, sanitary board, town board, notified area committee and town area committee;

(20) "market" means a place for the sale of goods or animals publicly exposed where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least ten animals are brought for sale;

(21) "notification" means a notification published in the official gazette;

(22) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life, or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(23) "octroi" means a tax levied on the entry of goods into the area within the jurisdiction of a town panchayat for consumption, use or sale therein;

(24) "offensive or dangerous trade" means any trade, business or industry dangerous to life, health or property or likely to cause nuisance which is notified by the Government under section 73;

(25) "occupier" means any person in actual possession of any land or building or part thereof, and includes an owner in actual possession, and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(26) "offensive matter" includes filth, sewage, dirt, house sweepings, spittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(27) "owner" includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account or as agent, receiver or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(28) "Panchayat" means a village panchayat or town panchayat, as the case may be, established under this Act ;

(29) "prescribed" means prescribed by rules made under this Act ;

(30) "President" means the President of a Taluk Board ;

(31) "private market" means a market other than a public market ;

(32) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods ;

(33) "public market" means any market belonging to a Panchayat or Taluk Board or acquired, constructed, maintained or managed by a Panchayat or Taluk Board ;

(34) "public place" means any place not being private property which is open to the use or enjoyment of the public, whether such place is vested in a Panchayat or Taluk Board or Zilla Parishad or not ;

(35) "public street" means any street over which the public have a right of way whether a thoroughfare or not ;

(36) "revenue village" means any local area which is recognised by Government as a village for the purpose of revenue administration ;

Explanation.—Where any part of a revenue village is included within a municipality or an area under the authority of a sanitary board or a town area committee or a notified area committee, the remaining part of such revenue village shall be deemed to be a revenue village ;

(37) "Schedule" means a Schedule annexed to this Act ;

(38) "Scheduled Castes and Tribes" means the Scheduled Castes and the Scheduled Tribes specified in respect of the State of Mysore in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force ;

(39) "street" includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not ; and when there is a footway as well as carriage way in any street, the said term includes both ;

(40) "taluk" means a revenue taluk constituted as a taluk, from time to time for the purpose of revenue administration ;

(41) "Tahsildar" means Tahsildar of a revenue Taluk ;

(42) "Taluk Board" or "Board" means a Taluk Development Board constituted under this Act ;

(43) "Taluk Development Officer" means the Block Development Officer in charge of the development of the Taluk ;

(44) "Upadhyaksha" means the Upadhyaksha of a Zilla Parishad ;

(45) "vehicle" includes a bicycle, cycle-rickshaw, motor car and every wheeled conveyance which is used or is capable of being used on a public street ;

(46) "Vice-Chairman" means the Vice-Chairman of a Panchayat ;

(47) "Vice-President" means the Vice-President of a Taluk Board ;

(48) "village" means any area comprising a revenue village or group of revenue villages, which is declared to be a village under this Act ;

(49) "Zilla Parishad" means a Zilla Parishad constituted under this Act.

PART II—PANCHAYATS

CHAPTER II

Establishment and Constitution of Panchayats

3. Declaration of Village.—(1) Subject to the general or special orders of the Government, the Deputy Commissioner may, if in his opinion it is expedient to declare any area comprising a revenue village or group of revenue villages having a population of not less than one thousand five hundred and not more than ten thousand as a village, after consultation with the Taluk Board, and after previous publication of the proposal, by notification, declare such area to be a village for the purposes of this Act :

Provided that if, in the opinion of the Deputy Commissioner, special circumstances exist, which render it desirable that an area comprising a revenue village or group of revenue villages having a population of less than one thousand five hundred or more than ten thousand, but not more than fifteen thousand, should be declared as a village, he may after consultation with the Taluk Board * * * concerned and after previous publication, by notification, declare such area to be a village.

(2) Subject to the general or special orders of the Government and the provisions of Chapter V, the Deputy Commissioner may, at the request of the Panchayats of the villages concerned, or otherwise, after consultation with the Taluk Board and the Panchayats concerned, and after previous publication of the proposal, by notification, at any time—

(*a*) increase the area of any village by including within such village any revenue village or group of revenue villages ;

(*b*) diminish the area of any village by excluding from such village any revenue village or group of revenue villages ;

(*c*) alter the name of any village ; or

(*d*) declare that any area shall cease to be a village.

(3) The Commissioner may within thirty days from the date of the notification either *suo motu* or on application made by any person aggrieved by such notification and after giving a reasonable opportunity of being heard to the parties concerned, revise the orders of the Deputy Commissioner under sub-section (1) or sub-section (2).

(4) A village having a population of not less than five thousand and an annual income estimated at not less than ten thousand rupees may be declared by the Government by notification to be a Panchayat Town.

Explanation.—For purposes of this section "population" means the population determined in such manner as may be prescribed.

4. Gram Sabha.—(1) All persons whose names are included in the list of voters of a village (as contained in the electoral roll of the Legislative Assembly) shall be deemed to constitute the Gram Sabha for such village.

(2) Subject to the general orders of the Government the Gram Sabha shall meet not less than twice in every year.

(3) The following matters shall be placed before the Gram Sabha by the Panchayat for consideration, namely :–

(*a*) the annual statement of accounts and audit reports ;

(*b*) report on the administration of the preceding financial year ;

(*c*) the programme of work or any new programme not covered by the budget or the annual programme ;

(*d*) proposals for fresh taxation or enhancement of existing taxes.

(4) The Panchayat shall give due consideration to the suggestions, if any, of the Gram Sabha.

(5) The procedure for convening and conducting the meetings of the Gram Sabha shall be such as may be prescribed.

(6) Every meeting of the Gram Sabha shall be presided over by the Chairman of the Panchayat and in his absence by the Vice-Chairman.

5. Establishment of Panchayats.—(1) In every village declared as such under section 3, there shall be established a Panchayat.

(2) A Panchayat established for a village declared to be a Panchayat Town shall be a Town Panchayat and a Panchayat established for any other village shall be a Village Panchayat.

6. Constitution of Panchayats.—(1) A Panchayat shall consist of such number of members as is indicated in the following table :—

TABLE

Population of Panchayat	*No. of Members*
(*a*) For a Panchayat with a population not exceeding 1,500.	Nine
(*b*) For a Panchayat with a population exceeding 1,500 but not exceeding 3,000.	Eleven
(*c*) For a Panchayat with a population exceeding 3,000 but not exceeding 5,000.	Thirteen
(*d*) For a Panchayat with a population exceeding 5,000.	Fifteen

(2) Such number of seats, not being less than two, as may be determined in the prescribed manner shall be reserved for women in every panchayat.

(3) Seats shall be reserved in a panchayat for Scheduled Castes and Tribes the member of such seats bearing as nearly as may be the same proportion to the total number of seats in the panchayat as the population of

Scheduled Castes and Tribes in the village bears to the total population of the village.

Provided that no seat shall be reserved for the representatives of Scheduled Castes and Tribes in any Panchayat unless * * * * the population of Scheduled Castes and Tribes in the village is fifty or more :

Provided further that this sub-section * * * * * * * shall cease to have effect after the expiry of the period specified in Article 334 of the Constitution :

Provided also that the preceding proviso shall not affect any representation in a Panchayat until the expiry of the term of office of its members.

(4) Subject to the provisions of sub-sections (2), (3) and (5), the Deputy Commissioner shall, by notification, determine—

(*a*) the constituencies into which the area within the jurisdiction of every Panchayat shall be divided for the purposes of elections to such Panchayat ;

(*b*) the extent of each constituency ;

(*c*) the number of seats allotted to each constituency which shall be either two or three ; and

(*d*) the number of seats, if any, reserved for the Scheduled Castes and Tribes or women in each constituency.

(5) The ratio between the number of members to be elected from each territorial constituency in a Panchayat and the population of that constituency, as ascertained at the last preceding census shall, so far as practicable, be the same throughout the area within the jurisdiction of a Panchayat.

(6) If for any reason the election to any Panchayat does not result in the election of the required number of members as specified in sub-section (1), the Deputy Commissioner shall, within one month from the date on which the names of the elected members are published by him under sub-section (7) arrange another election for the

election of such number of members as will make up the required number, and if even at that election the required number is not elected, the members elected shall where their number is not less than one half of the total number of members specified in sub-section (1), co-opt in the prescribed manner persons who would have been qualified to fill the vacancies to be filled up by election and the persons so co-opted shall be deemed to have been duly elected under this Act.

(7) Notwithstanding anything contained in sub-sections (1) and (5), but subject to any general or special orders of the Government where two-thirds of the total number of members of any panchayat have been elected, the Panchayat shall be deemed to have been duly constituted under this Act.

(8) The Deputy Commissioner shall publish in the prescribed manner the names of members elected or deemed to have been duly elected.

7. Incorporation of Panchayat.—Every Panchayat shall be a body corporate by the name of the "Village Panchayat of ....." or "Town Panchayat of ....." as the case may be, and shall have perpetual succession and a common seal, and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

8. Method of voting and procedure for elections.—(1) Every voter shall have as many votes as there are members to be elected for the constituency, and every voter shall give all the votes which he is entitled to give. No voter shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

9. Appointment of an Administrative Committee or Administrator on failure to elect members of Panchayats.— (1) (*a*) If the Deputy Commissioner is satisfied that a Panchayat of a village immediately after the establishment of such Panchayat cannot be constituted by reason of—

(i) any difficulty in holding an election of the members of the Panchayat, or

(ii) failure to elect such members at two successive elections held under sub-section (5) of section 6, or

(iii) any other sufficient reason whatsoever, or

(*b*) if at any general election to a Panchayat no member is elected or less than one half of the total number of members are elected ; or

(*c*) if the term of the outgoing members of the Panchayat has expired and it has not been possible to complete the general elections to the Panchayat before the expiry of the term,—

the Deputy Commissioner shall by notification either,—

(i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of members determined under sub-section (1) of section 6 ; or

(ii) appoint an Administrator.

(2) The members of an Administrative Committee or the Administrator shall hold office for such period not exceeding one year as the Deputy Commissioner may specify in the notification under sub-section (1).

(3) On the appointment of an Administrative Committee or an Adminstrator under sub-section (1), the persons, if any, chosen as members of the Panchayat before such appointment shall cease to be members of the Panchayat and all the powers and duties of the Panchayats shall be exercised and performed by such Administrative Committee or Administrator.

(4) The Administrative Committee or Administrator shall be deemed to be a duly constituted Panchayat for the purpose of this Act, notwithstanding anything contained in the foregoing provisions :

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1), the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Panchayat by election of members, the Deputy Commissioner, may, notwithstanding that the term of office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

10. List of Voters.—The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any Panchayat constituency shall, for the purpose of this Act, be deemed to be the list of voters for such Panchayat constituency. The Secretary of the Panchayat, or when there is no Secretary such officer as may be authorised by the Deputy Commissioner, shall maintain in the prescribed manner a list of voters for each Panchayat constituency.

Explanation : For the purpose of this section " electoral roll " shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950) for the time being in force.

11. Qualifications for membership.—Every person whose name is in the list of voters of any Panchayat constituency shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Panchayat :

Provided that in the case of seats reserved for Scheduled Castes and Tribes and women, no person who is

not a member of any of the Scheduled Castes or Tribes or is not a woman, as the case may be, shall be qualified to be elected to such seat.

12. Disqualification for Candidates.—(1) A person shall be disqualified for being chosen as a member of a Panchayat,

(*a*) if he is less than twenty-one years of age, or

(*b*) if he does not ordinarily reside in the village, or

(*c*) if he has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or quashed or the offence pardoned.

(*d*) if an order has been passed against him under section 118 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*e*) if he has been dismissed from Government service or service under any local authority, or

(*f*) if, having been a legal practitioner, he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension, or

(*g*) if he is an undischarged insolvent, or

(*h*) if he is of unsound mind and stands so declared by a competent court, or

(*i*) if he has been removed from membership of any local authority, or

(*j*) if he holds any office of profit under the Government of India, or the Government of Mysore or the Government of any other State in India or of any local or other authority subject to the control of any of the said Governments, other than such offices as are declared by rules made under this Act not to disqualify the holder, or

(*k*) if, save as hereinafter provided he has directly or indirectly any share or interest in any work done by order of the Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Panchayat, or

(*l*) if he is employed as paid legal practitioner on behalf of the Panchayat or accepts employment as legal practitioner against the Panchayat ; or

(*m*) if arrears of any kind are due by him to the Panchayat under this Act :

Provided that

(*a*) the disqualification in clause (*d*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in clause (*c*), (*e*) or (*f*) will cease to operate after the expiry of five years from the date of such sentence or dismissal, or disenrolment or earlier by an order of the Government ;

(*c*) the disqualification in clause (*i*) will cease to operate after the expiry of five years from the date of such removal ;

(*d*) a person shall not be deemed to have incurred disqualification under clause (*k*) by reason of his—

(i) having a share in any public joint stock company or a share or interest in any association registered under the Societies Registration Act, or in any co-operative society which shall contract with or be employed by or on behalf of the Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Panchayat is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Panchayat.

13. Disqualification for members.—(1) If a member a Panchayat—

(i) becomes subject to any of the disqualifications mentioned in section 12, or,

(ii) votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 54, or

(iii) absents himself for more than three consecutive ordinary meetings of the Panchayat without the leave of the Panchayat or is absent from the village for more than four consecutive months.

His seat shall thereupon become vacant:

Provided that where an application is made by a member to the Panchayat for leave to absent himself and the Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Panchayat.

(2) If any question arises as to whether a member of a Panchayat has become subject to disqualification under sub-section (1), the Assistant Commissioner may either *suo motu* or on a report made to him and after giving an opportunity to the member concerned to be heard, decide the question.

14. Prohibition of simultaneous membership.—(1) If a person is elected by more than one Panchayat constituency, he shall by notice in writing signed by him and delivered to the Tahsildar, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Assistant Commissioner shall determine by lot and notify the constituency which such person shall serve.

(3) The said person shall be deemed to have been elected only for the constituency so chosen or notified, as

the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

15. Election Petitions.—(1) No election to fill a seat or seats in a panchayat shall be called in question except by an election petition presented, on one or more of the grounds specified in sub-section (1) of section 19 and section 20, to the Munsiff within whose territorial jurisdiction the village concerned is situate, by any candidate at such election or by any voter qualified to vote at such election, together with a deposit of fifty rupees as security for costs, within fifteen days from but not earlier than, the date of declaration of the result of the election of the returned candidate, or if there are more than one returned candidate at the election, and if the dates of declaration of the results of their election are different, the last of those dates.

(2) A petitioner shall join as respondents to his petition—

(*a*) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates ; and

(*b*) any other candidate against whom allegations of any corrupt practice are made in the petition.

Explanation.—The expression "returned candidate" means a candidate who has been declared as duly elected.

16. Contents of the petition and relief that may be claimed.—(1) An election petition—

(*a*) shall contain a concise statement of the material facts on which the petitioner relies ;

(*b*) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have

committed such corrupt practice and the date and place of the commission of each practice; and

(*c*) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

17. Procedure before the Munsiff.—Every election petition shall be tried by the Munsiff, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to the trial of suits:

Provided that the Munsiff shall have discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

18. Decision of the Munsiff.—At the conclusion of the trial of an election petition the Munsiff shall make an order—

(1) (*a*) dismissing the election petition; or

(*b*) declaring the election of all or any of the returned candidates to be void; or

(*c*) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub-section (1) the Munsiff shall also make an order—

(*a*) where any charge is made in the petition of any corrupt practice having been committed at the election, ecording—

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice ; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice ; and

(*b*) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid :

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (*a*) unless—

(*a*) he has been given notice to appear before the Munsiff and to show cause why he should not be so named ; and

(*b*) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Munsiff and has given evidence against him, of calling evidence in his defence and of being heard.

19. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2) if the Munsiff is of opinion—

(*a*) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a member under this Act, or

(*b*) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(*c*) that any nomination paper has been improperly rejected, or

(*d*) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent or by any other person with the consent of such candidate or agent ; or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the Munsiff shall declare the election of the returned candidate to be void.

(2) If in the opinion of the Munsiff, any agent of a returned candidate has been guilty of any corrupt practice, but the Munsiff is satisfied—

(*a*) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;

(*b*) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election ; and

(*c*) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents ;

then the Munsiff may decide that the election of the returned candidate is not void.

20. Grounds for which a candidate other than the returned candidate may be declared to have been elected.— (1) If any person who has filed an election petition has, in

addition to calling in question, the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Munsiff is of opinion—

(*a*) that in fact the petitioner or such other candidate received a majority of the valid votes ; or

(*b*) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the Munsiff shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be to have been duly elected.

(2) The decision of the Munsiff shall be final.

21 Procedure in case of equality of votes.—If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of these candidates to be declared elected, then, the Munsiff shall decide etween them by lot and proceed as if the one on whom the lot falls had received an additonal vote.

22. Corrupt Practices.—The following shall be deemed to be corrupt practices for the purposes of this Act :—

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951 for the time being in force ;

(ii) undue influence as defined in clause (2) of the said section for the time being in force ;

(iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or use of, or appeal to, national symbols, such as the

national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(iv) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(v) the publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election ;

(vi) the hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, for the conveyance of any eleetor (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act :

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or railway carriage by any elector at his own cost for the purpose of going to or coming from any

such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(vii) the holding of any meeting at which intoxicating liquors are served;

(viii) the issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;

(ix) any other practice which the Government may by rule specify to be a corrupt practice.

23. Order as to corrupt practices.—(1) The corrupt practices referred to in section 22 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the Munsiff as to such practice takes effect under this Act.

(2) The Government may, for reasons to be recorded remove any disqualification under sub-section (1) or reduce the period of any such disqualification.

24. Communication of orders.—The Munsiff shall, after announcing the orders made under sections 18 and 19, send a copy thereof to the Deputy Commissioner.

25 Fresh election if a seat becomes vacant.—If the Assistant Commissioner declares under section 13, that the seat of any member has become vacant, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

26 Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any

of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :—

(*a*) canvassing for votes ; or

(*b*) soliciting the vote of any voter ; or

(*c*) persuading any voter not to vote for any particular candidate ; or

(*d*) persuading any voter not to vote at the election ; or

(*e*) exhibiting any notice or sign (other than an official notice relating to the election).

(2) Any person who contravenes the provisons of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

27. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravences, or willfully aids or abets the contravention of , the provisions of sub-section

(1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

28. Penalty for misconduct at polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

29. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose

authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

30. Officers, etc., at elections not to act for candidates or influence voting.—(1) No person who is a returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of a vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election, or

(*b*) to dissuade any person from giving his vote at an election, or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

31. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election ; and the expression " official duty " shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

32. **Removal of ballot papers from polling stations to be an offence.**—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) If the presiding officer of a polling station has reason to believe that any persons committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

33. **Other offences and penalties therefor.**—(1) A person shall be guilty of an offence if at any election he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper ; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer ; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or

(*d*) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper ; or

(*e*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or

(*g*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,—

(*a*) if he is a returning officer or presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both ;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression " official duty " shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (*b*) of sub-section (2) shall be cognizable.

34. Promotion of enmity between classes in connection with election.—Any person who in connection with an election under the Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall on conviction be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

35. Prohibition of public meetings on the day preceding the election day and on the election day.—(1) No person shall convene, hold or attend any public meeting within any polling area within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punished with fine which may extend to two hundred and fifty rupees.

36. Disturbances at election meetings.—(1) Any person who at a public meeting held in connection with an election under this Act, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall on conviction be punished with fine which may extend to two hundred and fifty rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

37. Restrictions on the printing of pamphlets, posters, etc.—(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which

does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(*a*) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document to the District Magistrate.

(3) For the purposes of this section,—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(*b*) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall on conviction be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

38. Penalty for illegal hiring or procuring of conveyances at elections.—If any person is guilty of any such corrupt practice as is specified in clause (vi) * *

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* of section 22 at or in connection with an election, he shall on conviction be punished with fine which may extend to two hundred and fifty rupees.

39. Prosecution in certain offences.—No court shall take cognizance of an offence punishable under section 30 or under section 31 or under clause (*a*) of sub-section (2) of section 33, unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

40. Term of office.—The members of a Panchayat shall, save as otherwise provided in this Act, hold office for a term of five years:

Provided that the Commissioner may, by notification, for reasons to be stated therein, extend the term of office of all the members by such period or periods as he deems fit, so however that the total period so extended shall not exceed one year.

41. Commencement of term of office.—(1) The term of office of the members elected at a general election or at a second election held under sub-section (5) of section 6, or co-opted under the said sub-section shall commence on the date immediately after the expiry of the term of office of the out-going members of the Panchayat or the period of appointment of an Administrative Committee or Administrator under section 9, or the period of supersession under section 366 or on the date of publication of their names under sub-section (7) of section 6, whichever is later.

Explanation.—When the names of members elected at a general election and at a second election held under sub-section (5) of section 6 and co-opted under the said sub-section are published on more than one date, the date by which the names of not less than two thirds of the total number of members has been published shall be deemed to be the date or publication for purposes of this section.

(2) The term of office of a member elected or co-opted under section 52 to fill a casual vacancy shall commence on the date of publication of his name under sub-section (7) of section 6.

42 **Resignation of members.**—A member of a Panchayat may resign his membership in writing under his hand addressed to the Chairman of the Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of the receipt of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Chairman.

43 **Elections of Chairman and Vice-Chairman.**—Subject to the provisions of section 45, every Panchayat shall, as soon as may be, choose two members of the Panchayat to be respectively Chairman and Vice-Chairman thereof, and so often as there is a casual vacancy in the office of Chairman or Vice-Chairman, the Panchayat shall choose another member to be the Chairman or the Vice-Chairman, as the case may be.

44. **Election of Chairman on establishment of Panchayat, etc.**—(1) On the establishment of a Panchayat for the first time under this Act, or on its reconstitution or establishment under section 132 or on its reconstitution on the expiry of the term of the member of a Panchayat, a meeting of the Panchayat shall be called within four weeks from the date of commencement of the term of office of the members of the Panchayat under section 41 and whenever a casual vacancy in the office of the Chairman has to be filled by election, a meeting of the Panchayat shall be called by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote and the meeting shall then proceed to elect the Chairman.

(2) Any dispute relating to the validity of the election of a Chairman or Vice-Chairman under sub-section (1) or

under section 43 shall be decided by the Munsiff having jurisdiction over the Panchayat area whose decision thereon shall be final.

45. Term of office of Chairman and Vice-Chairman.—(1) Save as otherwise provided in this Act, a Chairman and a Vice-Chairman shall hold office for the term of office of the members of the Panchayat.

(2) After the expiry of his term of office the Chairman shall continue to carry on the current duties of his office until such time as a new Chairman shall have been elected and shall have taken over charge.

46. Appointment of Chairman during vacancy in his office.—During a vacancy in the office of the Chairman and when there is no Vice-Chairman to take his place or if the Vice-Chairman fails to assume charge of the office of Chairman, the Deputy Commissioner shall, appoint a person to exercise the powers and perform the duties of the Chairman until a Chairman is duly elected, and such person shall, notwithstanding anything contained in this Act, be competent to exercise the powers and perform the duties of the Chairman.

47. Resignation of Chairman or Vice-Chairman.—(1) The Chairman may resign his office by writing under his hand addressed to the Taluk Development Officer.

(2) The Vice-Chairman may resign his office by writing under his hand addressed to the Chairman and in the absence of the Chairman to the Taluk Development Officer.

(3) Every resignation under sub-section (1) or (2) shall take effect on the expiry of ten days from the date of its receipt by the Taluk Development Officer or the Chairman, as the case may be, unless within the period of ten days he withdraws such resignation by writing under his hand to the Taluk Development Officer.

48. **Motion of No-Confidence against Chairman or Vice-Chairman of Panchayat.**—(1) A motion expressing want of confidence in the Chairman or Vice-Chairman may be made in accordance with the procedure laid down in the following sub-sections.

(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total strength of the Panchayat, together with a copy of the proposed motion shall be delivered in person by any two of the members signing the notice, to the Taluk Development Officer and in the absence of such officer to such other officer as the Deputy Commissioner may appoint in this behalf.

(3) The concerned officer specified in sub-section (2) (hereinafter in this section referred to as the said officer) shall then convene a meeting for the consideration of the motion at the office of the Panchayat on a date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting in such manner as may be prescribed :

Provided that where the holding of such meeting is stayed by an order of a court, it shall be adjourned ; and the said officer shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay after giving to the members notice of not less than fifteen clear days of such adjourned meeting.

(4) The said officer shall preside at such meeting. The quorum for such meeting shall be two-thirds of the total strength of the Panchayat.

Explanation.—In the determination of two-thirds of the total number of members under this section, any fraction arrived at shall be construed as one.

(5) Save as otherwise provided in this Act, a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(6) If within one hour after the time appointed for the meeting there is no quorum, the meeting shall stand dissolved and the notice given under sub-section (2) shall lapse.

(7) As soon as the meeting convened under this section commences, the said officer shall read to the Panchayat the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate.

(8) The said officer shall not speak on the merits of the motion, and he shall not be entitled to vote thereon.

(9) A copy of the minutes of the meeting, together with a copy of the motion and the result of the voting thereon, shall be forwarded forthwith on the termination of the meeting, by the said officer to the Chief Executive Officer. The said officer shall also forward at the same time to each member present at the meeting a copy of the motion and the result of the voting thereon.

(10) If the motion is carried with the support of not less than two-thirds of the total strength of the Panchayat, the Chairman or Vice-Chairman, as the case may be, shall forthwith cease to function as such and the Chief Executive Officer shall, as soon as may be, notify such cessation in the prescribed manner and arrange in the manner prescribed for the handing over of any documents, moneys or other properties of the Panchayat by the person so removed :

Provided that no election to the office of Chairman or Vice-Chairman shall be held until after such notification removing the Chairman or Vice-Chairman, as the case may be, is published.

49. Procedure of meetings.- Subject to the provisions of this Act and the rules made thereunder the procedure at a meeting of the Panchayat shall be in accordance with bye-laws made for the purpose.

50. Removal from or vacation of office.—(1) Every Chairman or Vice-Chairman shall, after an opportunity is afforded for hearing him, be removeable from his office as such Chairman or Vice-Chairman by the Chief Executive Officer or an officer of gazetted rank authorised by him for misconduct in the discharge of his duties or for neglect or incapacity to perform his duties and a Chairman or Vice-Chairman so removed shall not be eligible for re-election as Chairman or Vice-Chairman during the term of office of the members of such Panchayat. A Chairman or Vice-Chairman removed for his misconduct shall also be removed from the office of member of the Panchayat.

(2) The Chief Executive Officer or an officer of gazetted rank authorised by him may remove any member of the Panchayat after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

(3) Any person aggrieved by an order under sub-section (1) may appeal, * * * * to the Commissioner * * * .

(4) Every Chairman or Vice-Chairman shall vacate office if he ceases to be a member of the Panchayat.

(5) Every Chairman or Vice-Chairman who for a period exceeding three months absents himself from the village in such manner as to be unable to perform his duties as Chairman or Vice-Chairman, shall cease to be the Chairman or Vice-Chairman, as the case may be, unless leave so to absent himself has been granted by the Panchayat.

(6) Leave under sub-section (5) shall not be granted for a period exceeding four months, and whenever such leave is granted to a Chairman or Vice-Chairman, the Panchayat shall elect one of its members to exercise all the powers and perform all the duties of a Vice-Chairman in lieu of the Vice-Chairman, who is exercising the powers

and performing the duties of the Chairman, or who is absent on leave during the period for which such leave is granted.

51. Suspension of Chairman or Vice-Chairman.— (1) The Chief Executive Officer may suspend from office a Chairman or Vice-Chairman of a Town or Village Panchayat * * * * *

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* who has been detained in prison for not less than one month under the provisions of any law for the time being in force.

(2) Where a Chairman or Vice-Chairman has been suspended under sub-section (1), another member of the Panchayat shall be elected to perform all the duties and exercise all the powers of the Chairman or Vice-Chairman, during the period for which such suspension continues.

(3) Any person aggrieved by an order under sub-section (1) may within ninety days from the date of the order appeal to the Commissioner.

52. Filling up of Vacancies.— A casual vacancy in the office of the Chairman or Vice-Chairman or member shall be filled by election of a Chairman or Vice-Chairman or member who shall hold office so long only as the Chairman, Vice-Chairman or member in whose place he has been elected would have held office, if the vacancy had not occurred :

Provided that if at an election held for the purpose of filling a casual vacancy in the office of a member, and at a second election held for the same purpose, no member is elected the Panchayat may co-opt a person who would have been qualified to be elected and the person so co-opted shall be deemed to have been duly elected under this section.

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53. **Meetings of Panchayat.**—(1) A Panchayat shall meet for the transaction of business at least once in every month at the office of the Panchayat and at such time as the Chairman may determine.

(2) The Chairman may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members, call a special meeting.

(3) Seven clear days' notice of an ordinary meeting and three clear days' notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given by the secretary to the members and such officers as the Government may prescribe and posted in the office of the Panchayat.

(4) The Officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction in the village or any part thereof shall be entitled to attend every meeting of the Panchayat and take part in the proceedings but shall not be entitled to vote.

(5) If the Chairman fails to call a special meeting as provided in sub-section (2) the Vice-Chairman or one-third of the total number of members may call such a meeting for a day not more than thirty days after the presentation of such request and require the Secretary to give notice to the members and to take such action as may be necessary to convene the meeting.

54. **Quorum and procedure.**—(1) The quorum for a meeting of the Panchayat shall be one-third of the total number of members. If at the time appointed for the meeting * * * * a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is a quorum proceed with the meeting but if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly

adjourn the meeting if at any time after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be posted in the office of the Panchayat. The business, which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of, at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.

(2) Save as otherwise provided by or under this Act, at every meeting of the Panchayat, the Chairman, or in his absence the Vice-Chairman, shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside for the occasion.

(3) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The Chairman, Vice-Chairman or person presiding, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes, he may give his casting vote.

(4) No member of a Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Panchayat, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest, and if the presiding authority has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(5) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

55. Modification or cancellation of resolutions.— No resolution of a Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfiling the requirements of sub-section (3) of section 53 setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolutions.

56. Minutes.—Minutes shall be kept of the names of the members and of the Government officers, if any, present and of the proceedings at each meeting of the Panchayat, and if any member present at the meeting so desires, of the names of the members voting, respectively for or against, any resolution, in a book to be provided for the purpose, and after they are read over and agreed to, shall be signed by the Chairman, Vice-Chairman or person presiding at such meeting and shall, at all reasonable times, be open to inspection by any member of the Panchayat, or by any person entitled to vote at the elections to the Panchayat.

57. Interpellations and resolutions.—(1) Any member may call the attention of the Chairman to any neglect in the execution of Panchayat work, to any waste of Panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every member shall have a right to move resolutions and to interpellate the Chairman on matters connected with the administration of the Panchayat, subject to such rules as may be prescribed.

58. Validity of proceedings.—(1) No disqualification of or defect in the election or appointment of any person acting as member, or as the Chairman or member of a committee of a Panchayat appointed under this Act, shall

be deemed to vitiate any act or proceeding of the Panchayat or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

(2) No resolution of a Panchayat or of any Committee of a Panchayat constituted under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of the Panchayat or Committee were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Panchayat or of a Committee of a Panchayat constituted under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in a Panchayat or Committee of a Panchayat, the continuing members may act as if no vacancy had occurred.

CHAPTER III

Functions of Panchayats

59. General Functions of Panchayats.—(1) It shall be the duty of every Panchayat, so far as the funds at its disposal will allow and subject to the general control of the Government, to make reasonable provision within the village in regard to the following matters, namely :—

(*a*) *Sanitation and Health.*—

(i) construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic use, * * for cattle and for any other public purpose ;

(ii) sanitation and conservancy and prevention and abatement of nuisance ;

(iii) construction and maintenance of public latrines ;

(iv) disposal of unclaimed corpses and carcasses and unclaimed cattle ;

(v) regulating the collection, removal and disposal of manure and sweepings :

(vi) preventive and remedial measures against epidemics ;

(vii) regulation of sale and preservation of meat, fish and other perishable articles of food ;

(viii) maintenance and regulation of cremation and burial grounds ;

(ix) encouragement of human and animal vaccination ;

(x) construction and maintenance of slaughter houses ;

(xi) regulation of buildings and shops and of shows and eating and entertainment houses ;

(xii) relief for the destitute ;

(xiii) destruction of rats and stray and ownerless dogs ;

(xiv) regulating the curing, tanning and dyeing of skins and hides ;

(xv) assisting in extinguishing fires ;

(xvi) regulating and checking of offensive or dangerous trades ;

(xvii) cleaning of public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works ;

(xviii) provision of house sites for residents of the village.

(*b*) *Public Works and Amenities*

(i) construction, repair and maintenance of roads including cart tracks, drains, bunds and bridges * * * vested in the Panchayat ;

(ii) removing of obstructions and projections in public streets or places and in sites not being private property which are open to the enjoyment of the public whether such sites are vested in the Panchayat or belong to the Government ;

(iii) maintenance of buildings transferred to the Panchayat or of Government buildings under the control of the Panchayat ;

(iv) maintenance and regulation of grazing lands, and of tanks and wells meant for drinking purposes ;

(v) lighting of the village ;

(vi) regulation of fairs (including cattle fairs) and festivals of the village or of local importance or those that are entrusted to it by the Zilla Parishad ;

(vii) planting and preservation of trees ;

(viii) construction and maintenance of dharmashalas, choultries and other similar institutions ;

(ix) establishment and maintenance of markets ;

(x) construction and maintenance of houses for the conservancy staff of the Panchayat and village functionaries ;

(xi) construction and maintenance of buildings for warehouses, shops and purchasing centres ;

(xii) laying out and maintenance of play grounds for children and of public gardens ;

(*c*) *Agriculture and Animal Husbandry*

(1) Formulation and preparation of the Panchayat agricultural production plans.

(2) Improvement and betterment of economic conditions of persons residing in the village.

(3) Promotion and development of agriculture.

(4) The establishment and maintenance of nurseries and stores of improved seeds and agricultural implements, the production and distribution of improved seeds, pesticides and insecticides and the holding of agricultural shows including cattle shows ;

(5) The propagation of improved methods of cultivation in the village including laying out of demonstration plots with a view to increasing production ;

(6) The establishment and maintenance of warehouses and granaries.

(7) The establishment and maintenance of cattle sheds.

(8) Provision and maintenance of compost pits.

(9) Establishment of gardens.

(10) Improvement of cattle and their breeding and general care of the livestock.

(11) Development of fishery, poultry and piggery in the village.

(d) Welfare of Scheduled Castes and Tribes and Other Backward Classes.

(i) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and Tribes and other backward classes ;

(ii) protecting such castes and classes from social injustice and all forms of exploitation ;

(iii) construction, repair and maintenance of drinking water wells ;

(iv) provision of house sites * * * * for Scheduled Castes and Tribes ;

(*e*) *Other matters.*

(i) preparation of plans for the development of the area within the Panchayat ;

(ii) assisting the implementation of soil conservation programmes of the Government ;

(iii) establishment and maintenance of village libraries and reading rooms ;

(iv) assistance to the residents of the village when scarcity conditions obtain or when any natural calamity occurs ;

(v) management and control of washing and bathing ghats which are not managed by any other authority ;

(vi) promotion, improvement and encouragement of cottage industries ;

(vii) organising village volunteer force for performing community labour ;

(viii) management of minor religious institutions ;

(ix) promotion and development of co-operative societies ;

(x) maintenance of essential statistics of the village ;

(xi) watch and ward of the village and crops therein ;

(xii) development of village forests and farm forestry ;

(xiii) maintenance of records relating to the survey of village sites and public and private properties therein (if entrusted by the Zilla Parishad) ;

(xiv) establishment and maintenance of cattle pounds ;

(xv) promotion of welfare of women and children ;

(xvi) such other functions as may be entrusted to it by the Taluk Board, the Zilla Parishad or the Government on such terms and conditions as may be prescribed :

Provided that the cost of watch and ward of the village and crops therein may be recovered by a Panchayat by levy of fees on such persons and in such manner as may be prescribed.

(2) A Panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the inhabitants of the village.

(3) A Panchayat may by a resolution passed at its meeting and supported by two-thirds of the total number of its members make contributions to the funds of State, Inter-State or All-India Organisations formed or established for promotion of local government, or towards any exhibition, conference or seminar within or outside the village but within the district :

Provided that the contribution in each such case shall not,—

(i) in the case of a Town Panchayat, exceed one hundred rupees ; and

(ii) in the case of any other Panchayat, exceed fifty rupees.

60. Powers of Taluk Board to transfer maintenance of institutions and execution of other works.—The Taluk Board may, at any time, with the consent of the Panchayat, transfer to such Panchayat the management of any institution or the execution of any work not provided for in section 59 and it shall thereupon be lawful for such Panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the Panchayat by the Taluk Board.

61. Other functions.—(1) The Panchayat shall,

(i) subject to the regulations made by the Zilla Parishad in this behalf,—

(*a*) supervise the labour employed by the Taluk Board on works within the village ;

(*b*) execute such works as are entrusted to it by the Taluk Board ;

(ii) subject to such conditions as the Government may impose with the consent of the Panchayat concerned, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by the Government, by notification, after consultation with the Taluk Board.

(2) A Panchayat shall not be bound to perform the duties specified in clause (ii) of sub-section (1) unless sufficient funds have been placed at the disposal of the Panchayat by the Government or the Taluk Board as the case may be.

62. **Assignment of functions.**—(1) Subject to any law for the time being in force, the Government may by notification and subject to such conditions as may be specified therein—

(*a*) transfer to any Panchayat the management and maintenance of a forest situate in the village;

(*b*) make over to the Panchayats the management of waste lands, pasture lands or vacant lands belonging to the Government situate within the villages;

(*c*) entrust the Panchayats with the collection of land revenue on behalf of the Government and the maintenance of such records as are connected therewith;

(*d*) entrust the Panchayats with the management and cultivation of

(i) common lands,

(ii) lands, the management of which is assumed by the Government,

(iii) lands which the owners thereof are unable to cultivate and the management of which may be assumed by the Government under any law for the time being in force:

Provided that no entrustment under clause (*c*) or (*d*) shall be made without the concurrence of the Panchayat concerned.

Provided further that when any transfer of the management and maintenance of a forest is made under clause (*b*), the Government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest be placed at the disposal of the Panchayat.

(2) The Panchayat shall subject to the prescribed conditions have the power to do all acts necessary and incidental to the carrying out of the functions transferred, made over or entrusted to it under this section.

63. Power of Government to add to functions of Panchayats.—The Government may, in consultation with the Taluk Board and the Panchayat concerned and subject to such conditions as may be imposed by the Government, authorise any Panchayat by a general or special order to exercise any functions or perform any duties other than those specified in sections 59, 61 and 62.

64 Joint levy of octroi by more than one local body.—A Town Panchayat may, from time to time, enter, subject to the sanction of the Government into an agreement, with any other Town Panchayat, or with any municipal council, cantonment authority or committee appointed for a town area or with a combination of any such bodies, for the levy of octroi whereby the octroi respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies:

Provided that, where one of the local bodies is a cantonment authority, the decision of the Government shall be subject to the concurrence of the Central Government.

65. Government may vest certain lands in Panchayat.—(1) For the purpose of this Chapter, the Government may by notification and subject to such conditions and

restrictions as it may think fit to impose, vest in a Panchayat, open sites, vacant lands, or public roads and streets, wells, river beds, tanks, trees or any other property in the village vesting in the Government.

(2) It shall be competent to the Government by notification to resume any property placed under the control of a Panchayat under sub-section (1) on such terms as the Government may determine.

96 General Powers of the Panchayat and Committees.—(1) A Panchayat shall have power to do all acts necessary for and incidential to the carrying out of the functions entrusted or delegated to it and in particular and without prejudice to the foregoing power to exercise powers specified in sections 69, 70, 72, 73, 74, 75, and 76 and the Panchayat may appoint one or more committees to perform any of these functions.

(2) Every Panchayat shall constitute the following three committees by election :—

(i) a Production Committee for performing functions relating to agricultural production, animal husbandry and rural industries ;

(ii) a Social Welfare Committee for performing functions relating to—

(*a*) promotion of educational, economic, social, cultural and other interests of Scheduled Castes and Tribes and Other Backward classes, and

(*b*) protection of such castes and classes from social injustice and any form of exploitation ;

(*c*) welfare of women and children ;

(iii) An Amenities Committee to perform functions in respect of education, public health, public works and other functions of the Panchayat.

(3) (*a*) Each committee shall consist of not less than three and not more than five members including the

Chairman who will be the *ex-officio* member and Chairman of all the committees.

Provided that the Social Welfare Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes and Tribes.

(*b*) Each committee shall be competent to co-opt in such manner as may be prescribed members of farmers' clubs, mahila mandals, yuvak mandals and other similar bodies recognised by the Government, and a representative of the co-operative society or societies in the village shall be co-opted to the Production Committee. The rights and liabilities of the co-opted members shall be such as may be prescribed.

67. Functions and powers of the Chairman.—(1) The Chairman shall, in addition to the functions and powers exercisable under any other provision of this Act or rules made thereunder :—

(*a*) convene meetings of the Panchayat ;

(*b*) have access to the records of the Panchayat ; and

(*c*) exercise supervision and control over the acts of the officers and servants of the Panchayat.

(2) The Chairman may, if in his opinion the immediate execution of any work or the doing of any act which requires the sanction of a committee or of the Panchayat, is necessary in public interest, direct the execution of such work or the doing of the act, and shall report the action taken to the Panchayat at its next meeting.

(3) The Vice-Chairman shall exercise the powers and perform the functions of the Chairman when the Chairman is absent on leave or is incapacitated from functioning or is continuously absent for more than fifteen days.

68. Power of Panchayat to acquire and hold property, etc., to be subject to rules.—The power of every Panchayat to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over

which it has authority, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, shall be subject to the rules made by the Government in this behalf :

Provided that no lease of immoveable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner or such other authority as may be prescribed :

Provided also that nothing herein contained shall empower any Panchayat to raise loans (from the Taluk Board or any other authority) without the previous sanction of the Government.

69. Power of Panchayats as to roads, bridges, etc.— All village roads and bridges thereon, cart tracks, drains, wells and other public places in the village, not being private property and not being under the control or management of a Taluk Board, Zilla Parishad, municipal council, town area committee or notified area committee, cantonment board or the Government, shall vest in the Panchayat and the Panchayat may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads ;

(*b*) construct new bridges ;

(*c*) widen, open, enlarge or otherwise improve any such road or bridge ;

(*d*) with the previous sanction of the Chief Executive Officer divert, discontinue or close any road or bridge ; and

(*e*) deepen or otherwise improve any water-way.

Provided that no road or bridge shall be diverted, discontinued or closed before the Panchayat publishes its

intention of doing so and calls for objections and obtains the approval of the Chief Executive Officer to whom a copy of the resolution of the Panchayat and the objections thereto shall be forwarded.

70. **Control of the erection of buildings.**—(1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayat.

(2) If the Panchayat does not within sixty days from the receipt of the application determine whether such permission should be given or not and communicate its decision to the applicant, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or the any rules or bye-laws made under this Act.

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Panchayat may, whether any action is taken or not against such person under section 403,—

(*a*) direct that the building, alteration or addition be stopped ; or

(*b*) by written notice require, within a reasonable period to be specified therein, such building, alteration or addition to be altered or demolished as it may deem necessary for the promotion of public health or the prevention of danger to life or property.

(4) In the event of non-compliance with the terms of any notice under clause (*b*) of sub-section (3) within the period specified in the notice, it shall be lawful for the Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Panchayat shall be paid by the person or persons upon whom the notice was

served and shall be recoverable as if it were a tax imposed under section 113.

(5) An appeal shall lie to the Assistant Commissioner from any order or direction or notice of the Panchayat under sub-section (1), (2) or (3) and the decision of the Assistant Commissioner on such appeal shall be final.

71. **Power of Government to prohibit and regulate the erection of buildings in certain areas without permission.**— (1) Notwithstanding anything contained in section 70, the Government may, in the interest of the general public and after consulting the Panchayat concerned, prohibit by notification the erection of any building within a specified area within the jurisdiction of a Panchayat except with permission granted by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the "authorised officer"):

Provided that such prohibition shall not be made in respect of land which has been set apart as a building site by the Government or the Panchayat prior to the date of such notification.

(2) Subject to the provisions of sub-section (3), the grant of any permission under sub-section (1) may be subject to such conditions as may be imposed by the Government or the authorised officer in each case or specified generally.

(3) The Government may publish a development plan in respect of the area notified under sub-section (1), after following such procedure as may be prescribed, and on the publication of such plan, no building shall be erected or constructed in such area except in accordance with the specifications and conditions specified in such development plan.

(4) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) or the provisions of sub-section (3)

shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) The Government or the authorised officer, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or (3) or in violation of the conditions imposed under sub-section (2).

72. **Permission for the construction of factories and the installation of machinery.**—No person shall, without the permission of the Panchayat and except in accordance with the conditions specified in such permission—

(*a*) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power; or

(*b*) instal in any premises, any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by rules made by the Government under this Act.

73. **Prohibition of offensive or dangerous trades without licence.**—No place within the jurisdiction of a Panchayat shall be used for the purpose of any trade, business or industry which the Government may, by notification, declare to be offensive or dangerous, except under a licence granted or renewed by the Panchayat and subject to such conditions as may be imposed in the licence.

74. **Control of * * * hotels, etc.**—No place within the jurisdiction of a Panchayat shall be used as a hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a hostel recognised by the Government), or a dharmashala or for manufacturing ice or ærated water except under a licence granted or renewed by the Panchayat and except in accordance with the conditions specified therein.

75. **Licensing of Shops.**—No place within the jurisdiction of a Panchayat shall be used as a shop whether

permanently or temporarily (other than a shop referred to in sections 73 and 74) except under a license granted or renewed by the Panchayat and except in accordance with the conditions specified therein.

76. Provisions applicable to permissions and licences under sections 72, 73, 74 and 75.—(1) A permission shall be granted under section 72 and a licence under sections 73, 74 and 75 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 72, or to grant or renew a licence or suspend or cancel a licence granted or renewed under section 73, 74 or 75 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 72 or to grant or renew a licence or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of communication of the order, appeal to the Assistant Commissioner and the decision of the Assistant Commissioner on such appeal shall be final.

77. Transfer of institutions or works to Panchayat.—Subject to such rules as may be prescribed by the Government, the Deputy Commissioner or any private person or body of persons may, with the consent of the Panchayat and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

78. Obstructions and encroachments upon public streets and open sites.—(1) Whoever not being duly authorised in this behalf within the limits of a village—

(*a*) shall have built or set up, or shall build; or set up, any wall, fence, rail, post, stall, varandah, platform

plinth, step, or any projecting structure or other encroachment or obstruction, or

(*b*) shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing—

in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place, shall, on conviction, be punished with fine which may extend to twenty-five rupees and with further fine which may extend to one rupee for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Panchayat or the Taluk Development Officer shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Panchayat or not. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under section 113.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand other than sand used for domestic purposes by residents of the village or other material from, or makes any enroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to fifty rupees, and,

(i) in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction ;

(ii) in the case of removal of earth, sand or other material, twice the value of such earth, sand or other material shall also be recoverable as a fine.

(4) Nothing contained in this section shall prevent the Panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and sites for not more than four days, and in such manner as not to inconvenience the public or any individual.

79. Power to name streets and number buildings.—(1) The Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building or part of a building and may, from time to time, cause such name and number to be altered.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or put up or paint any name or number different from that put up or painted by order of the Panchayat.

(3) Any person who destroys, removes, injures, alters, or defaces any such name or number or puts any name or number different from that put up by order of the Panchayat and any owner of any premises who does not at his own expense keep such number in good order after it has been put up shall, on conviction, be punished with fine which may extend to twenty rupees.

80. Removal of structures, trees, etc., which are in ruins or likely to fall.—(1) If it appears at any time to the Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by such building or the part thereof, or the tree or branch of the tree, the Panchayat may, by written notice, require the owner or occupier of such building or tree, as the case may be,—

(i) to pull down, lop or cut down, or

(ii) to secure, or

(iii) to remove, or

(iv) to repair,

such building or part of it or the tree or the branch of the tree, as the case may be, and to prevent all causes of danger therefrom.

(2) If it appears to the Panchayat that the danger from a building or tree which is ruinous or about to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree, as the case may be, or take such steps as may be required to arrest the danger.

(3) Any expenses incurred by the Panchayat in this behalf may be recovered from the owner or occupier of the building or tree, as the case may be as if it were a tax imposed under section 113.

(4) The Panchayat shall issue a notice under sub-section (1), after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

81. Power as to sanitation, conservancy and drainage.—(1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayat may, by a written notice, require, within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part ;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof ;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayat ;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Panchayat ;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 113.

82. Contribution from persons having control over places of Pilgrimage, etc.—(1) Where a mosque, church, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the Panchayat; but the Chief Executive Officer may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurriing contribution to the funds of the Panchayat as he may determine in such manner as may be prescribed.

(2) Any contribution directed to be paid under sub-section (1) shall be recoverable as an arrear of land revenue.

83. Power for providing adequate water supply.— (1) For providing the area under its control or any part thereof with a supply of water, pure and sufficient for public and private purposes, the Panchayat may—

(*a*) construct, repair and maintain tanks or wells and clear streams or water courses ;

(*b*) purchase or acquire by gift or otherwise, any tank, well, stream or water course, or any right to take or convey water within or without the area under its control ;

(*c*) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom ;

(*d*) contract with any person for supply of water ;

(*e*) do any other act necessary for carrying out the purposes of this section.

(2) The Panchayat may, by order published at such places as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream or water course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1) subject to any rights which the owner referred to in clause (*c*) of sub-section (1) may retain with the consent of the Panchayat.

(3) The Panchayat may, by order published at such places as it may think fit, prohibit—

(*a*) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purposes under sub-section (2), and

(*b*) the use of any source of water suppy for drinking or culinary purposes or for the washing of clothes during epidemics.

84. Power of Panchayat to make bye-laws regarding provision of water supply.—Subject to such rules as the Government may make in this behalf, a Panchayat may make bye-laws for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the Panchayat; and for regulating all matters connected with the supply and use of water, and the turning on, or turning off, and preventing the waste of water, and the construction, maintenance and control of Panchayat water works and pipes and fittings in connection therewith, whether the property of the Panchayat or not.

85. Appointment of Joint Committees.—(1) A Panchayat may, and if so required by the Commissioner shall, join with one or more than one other local authority for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and may or shall constitute, as the case may be, a joint committee to be in charge of the work.

(2) The Joint Committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee and its proceedings shall be governed by bye-laws which are made by the local authorities concerned in consultation with each other and approved by the Commissioner.

(4) Without prejudice to the generality of the power to make bye-laws under sub-section (3), such bye-laws may provide for the following matters, namely:—

(*a*) the total number of members on the committee;

(*b*) the number of members to be appointed under sub-section (2), if any;

84. **Power of Panchayat to make bye-laws regarding provision of water supply.**—Subject to such rules as the Government may make in this behalf, a Panchayat may make bye-laws for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the Panchayat; and for regulating all matters connected with the supply and use of water, and the turning on, or turning off, and preventing the waste of water, and the construction, maintenance and control of Panchayat water works and pipes and fittings in connection therewith, whether the property of the Panchayat or not.

85. **Appointment of Joint Committees.**—(1) A Panchayat may, and if so required by the Commissioner shall, join with one or more than one other local authority for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and may or shall constitute, as the case may be, a joint committee to be in charge of the work.

(2) The Joint Committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee and its proceedings shall be governed by bye-laws which are made by the local authorities concerned in consultation with each other and approved by the Commissioner.

(4) Without prejudice to the generality of the power to make bye-laws under sub-section (3), such bye-laws may provide for the following matters, namely:—

(*a*) the total number of members on the committee;

(*b*) the number of members to be appointed under sub-section (2), if any;

(*c*) the manner of election or appointment;

(*d*) the election of the Chairman;

(*e*) the term of office;

(*f*) the powers of the committee which shall not be in excess of the powers which can be exercised by the local authorities concerned;

(*g*) the provision of funds to and the administration of funds by the joint committee;

(*h*) the procedure of the joint committee.

(5) The joint committee may be dissolved after serving the purpose for which it was constituted.

(6) The Commissioner may issue such directions as he thinks necessary in regard to the distribution of its assets and liabilities when the Committee is dissolved.

86. Power of entry.—Any member, officer or servant of a Panchayat may enter into or upon any building or land with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that:—

(*a*) no such entry shall be made between sunset and sunrise;

(*b*) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry; and

(*c*) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

87. Additional powers of Town Panchayats.—In addition to the powers exercisable under the preceding sections of this Chapter, every Town Panchayat shall within its jurisdiction exercise the powers conferred on a Taluk

Board and the Taluk Development Officer under sections 186 to 197 (both inclusive) and the provisions of the said sections shall, *mutatis mutandis*, be applicable to the area within the jurisdiction of a Town Panchayat; and notwithstanding anything contained in this Act, the Taluk Board and the Taluk Development Officer shall not be competent to exercise the powers under the said sections within the jurisdiction of a Town Panchayat.

88. Registration of burial and burning grounds.— (1) Every owner or person having the control of any place used at the commencement of this Act, as a place for burying, burning or otherwise disposing of the dead in a Town Panchayat Area, shall, if such place be not already registered under any law applicable thereto, apply to the Panchayat to have such place registered under this Act.

(2) If it appears to such Panchayat that there is no owner or person having control of such place, the Panchayat shall assume such control, and register such place or may close it.

89. Licensing of places for disposal of the dead.— (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used in a Town Panchayat Area unless after an application for the purpose, a licence is obtained from the Panchayat.

(2) Such application for a licence shall be accompanied by a plan of the place to be licensed showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such other particulars as the Panchayat may require.

(3) The Panchayat to which an application is made, may—

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until objections, if any, to the site, considered reasonable by the Panchayat have been removed or any particulars called for by it have been furnished.

(4) The Chief Executive Officer may cancel or modify any order passed by a Panchayat under sub-section (3)

90. A book to be kept of places registered, licensed or provided.—(1) A book shall be kept at the office of every Town Panchayat in which the places registered, licensed or provided under section 88 or section 89 shall be recorded.

(2) A notice that such place has been registered, licensed or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

91. Prohibition against burying or burning in unauthorised places.—No person shall in any Town Panchayat area bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of, any corpse in any place within a hundred metres of a dwelling place or any source of drinking water supply other than a place registered under section 88 or licensed under section 89, or provided by the Panchayat.

92. Notice to be given to Panchayat of burials, etc.—The person having control of a place for disposing of the dead in a Town Panchayat area shall give information of every burial, burning or other disposal, of a corpse at such a place to any person appointed by the Panchayat.

93. Public landing places, cart stands, etc.—Save as otherwise provided in this Act and subject to such rules as may be prescribed, a Town Panchayat, may—

(*a*) provide public landing places, halting places, and cart-stands (which last expression includes stands for animals and vehicles of any description) and levy fees for their use ; and

(*b*) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Panchayat may, subject to the control of the Chief Executive Officer, specify.

94. Private cart-stands.—(1) No person shall open a new private cart-stand or continue to keep open a private cart-stand in a Town Panchayat area unless he obtains from the Panchayat a licence to do so. Such licence shall be valid for one year and shall be renewable every year.

(2) The Panchayat shall as regards private cart-stands already lawfully established, and may, as regards new private cart-stands, grant the licence applied for subject to such conditions as the Panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed.

(3) The Panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The Panchayat may at any time suspend or cancel any licence granted under-sub-section (2) for breach of the conditions thereof.

(5) The Panchayat may levy on every grant or renewal of a licence under this section, a fee not exceeding one hundred rupees per annum as may be fixed by the bye-laws.

95. Regulation of huts.—It shall not be lawful for any person to erect any hut, shed or range or block of huts or sheds or to add to any hut or shed already existing in a Town Panchayat area without giving previous notice to the Panchayat and obtaining its permission. The Panchayat may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is built without giving such notice to the Panchayat, the Panchayat may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as shall be specified

in the notice to take down and remove the same or to make such alterations therein or additions thereto as, having regard to the sanitary considerations, the Panchayat may think fit.

96. Power for making drains.—(1) In order to carry out any drainage scheme, it shall be lawful for a Town Panchayat to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the Panchayat Area.

(2) The Panchayat or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Panchayat has been already constructed, or may repair or alter any drain vested in the Panchayat.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and due compensation shall be paid by the Panchayat to any person who sustains damage by the exercise of such power.

97. Sufficient drainage of houses.—(1) If any building or land in a Town Panchayat area is at any time underdrained, or not drained to the satisfaction of the Panchayat, the Panchayat may, by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there is a suitable drain or sewer within sixteen metres of any part of such building or land, or

(*b*) a covered cess pool to be provided by such owner.

(2) It shall not be lawful newly to erect any building or to rebuild any building, or to occupy any building newly

erected or rebuilt in a Town Panchayat area, unless and until—

(*a*) a drain is constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the Panchayat to be necessary for the effectual drainage of such building, or

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Panchayat to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Panchayat drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding sixteen metres from such building ; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Panchayat directs.

98. Power of owners and occupiers of buildings or lands to drain into Panchayat drains.—The owner or occupier of any building or land within a Town Panchayat area shall be entitled to cause his drain to empty into sewers of the Panchayat, provided that he first obtains the written permission of the Panchayat and that he complies with such conditions as the Panchayat prescribes, as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Panchayat and drains which are so vested.

99. Right to carry drain through land or into drain belonging to other persons.—(1) If the owner or occupier of any building or land within a Town Panchayat area desires to connect the same with any Panchayat drain by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in

the use of some other person, he may make a written application in that behalf to the Panchayat.

(2) Thereupon the Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if no objection is raised or if the objection raised is insufficient, authorise the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repairs as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier, or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such work as may be necessary,—

(*a*) for the construction or connection of the drain, as may be authorised by the said order;

(*b*) for renewing, repairing, or altering the same may be necessary from time to time; or

(*c*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little damage as possible shall be done and the owner or occupier of the building or land for the benefit of which the work is done shall cause the work to be executed with the least practicable delay and fill in, reinstate and make good at

his own cost the ground or any portion of the building or other construction opened, broken up or removed for the purpose of executing the said work and pay compensation to any person who sustains damage by the execution of the said work.

100. Rights of owner of land through which drain is carried in regard to subsequent building thereon.—If the owner of any land into, through or under which a drain has been carried under section 99 whilst such land was not built upon shall at any subsequent time desire to construct a building thereon, the Town Panchayat shall, if it sanctions the construction of such building, by written notice require the owner or occupier of the building or land, for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

101. Provision of privies, etc.—(1) In case a Town Panchayat is of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or shifted or removed from any building or land or, in any area in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land or that additional water-closets should be provided therein or thereon, the Panchayat may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Panchayat may deem proper.

(2) A Town Panchayat may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Panchayat may direct, and to cause the same to be kept in proper order, and to be daily cleansed.

(3) A Town Panchayat may, by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy-door or trap-door which opens on to any street, and which it deems to be a nuisance.

102. Cost of altering, repairing and keeping in proper order privies, etc.—(1) All sewers, drains, privies, water-closets, house-gullies and cesspools within a Town Panchayat shall, unless constructed at the cost of the Panchayat **be altered, repaired, and kept in proper order** at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Town Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into force of this Act, which, in the opinion of the Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order.

103. Inspection of drains, etc.—(1) A Town Panchayat or any officer appointed by it for such purposes may inspect any sewer, drain, privy, water closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Panchayat unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad

order or condition, or was constructed in contravention of the provisions of any enactment, or of any bye-law of the Panchayat in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as a tax or fee due to the Panchayat.

104 Dangerous quarrying.— If in the opinion of a Town Panchayat the working of any quarry, or the removal of stone, earth or other material, from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or create or is likely to create a nuisance, the Panchayat may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the Panchayat shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom :

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the Panchayat shall not take such action unless and until the Director of Mines and Geology or the person authorised by him in this behalf has consented to its so doing :

Provided further that the Panchayat shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the Panchayat in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax due to the Panchayat,

105. Using offensive substance, etc.—Whoever, except with the written permission of a Town Panchayat, and except in the manner, if any, enjoined in such permission stores or uses nightsoil or other substance emitting an offensive smell other than cattle manure shall, on conviction, be punished with fine which may extend to twenty-five rupees.

106. Consumption of smoke.—(1) It shall be lawful for a Town Panchayat to direct by public notice that every furnace employed, or to be employed, in any works or buildings used, for the purpose of any trade or manufacture whatsoever, within the limits of the Panchayat, whether a steam engine is or is not used or employed therein, shall in all cases be constructed, supplemented or altered as to consume or burn, or reduce as far may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented, or altered or shall so negligently use, or permit to be used, any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall, on conviction, be punished with fine which may extend to fifty rupees and upon any subsequent conviction with fine which may extend to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

107 Prohibition of nuisance.—Whoever within a Town Panchayat area,—

(*a*) in any public street or public place—

(i) eases himself ; or

(ii) loiters or begs importunately, for alms ; or

(iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or

(iv) carries meat exposed to public view ; or

(v) without proper authority pickets animals, or collects carts ; or

(vi) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or

(vii) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing ; or

(viii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder ; or

(*b*) at any time or place at which the same has been prohibited by the Panchayat by public or special notice, beats any drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music ; or

(*c*) without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker ; or

(*d*) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person ; or

* * *

* * *

(*e*) uses or permits to be used as a latrine any place not intended for that purpose,

shall, on conviction, be punished with fine which may extend to twenty-five rupees.

108. Testing of Weights and Measures.—The Secretary or any other Officer authorised by a Town Panchayat may examine and test the weights and measures used in the markets and shops within its jurisdiction with a view to the prevention and punishment of offences under Chapter XIII of the Indian Penal Code.

CHAPTER IV

Property and Finance

109. Property of Panchayat.—(1) It shall be competent to a Taluk Board with the concurrence of the Panchayat from time to time to direct that any property vesting in the Taluk Board shall vest in a Panchayat and on such direction being issued, the property shall vest in the Panchayat notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908:

Provided that no lease, sale or other transfer of any such immoveable property by the Panchayat shall be valid without the previous sanction of the Taluk Board.

(2) Every work constructed by a Panchayat out of the Panchayat fund shall vest in such Panchayat.

(3) All rubbish, sewage, filth and other matter collected by a Panchayat under this Act shall belong to it.

110. Decision of claims to property by or against Panchayat.—(1) In any village to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Panchayat, or by any person as against the Panchayat, it shall be lawful for the Deputy Commissioner, after enquiry of which due notice has been given, to pass an order deciding the claim.

(2) Any person aggrieved by an order made under sub-section (1) or in appeal or revision therefrom may institute a civil suit contesting the order within a period of one year from the date of such order and the final decision in the civil suit shall be binding on the parties.

(3) Any person shall be deemed to have had due notice of any inquiry or order under this section if notice has been given in the prescribed manner.

111. Panchayat Fund.—(1) There shall be for each Panchayat a fund called the Panchayat Fund.

(2) The following shall form part of, or be paid into, the Panchayat fund, namely—

(*a*) the amount which may be allotted to the Panchayat fund by the Government under the provisions of this or any other Act ;

(*b*) the proceeds of any tax imposed by the Panchayat ;

(*c*) all sums ordered by a court to be placed to the credit of the Panchayat fund ;

(*d*) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the servants of the Panchayat ;

(*e*) sums contributed to the Panchayat fund by the Government or a Taluk Board ;

(*f*) all sums received by way of loans or contributions from the Government or the Taluk Board or any other authority or person or by way of gift ;

(*g*) the income from or proceeds of any property vesting in the Panchayat ; and

(*h*) sums raised by way of loans by the Panchayat with the previous sanction of the Government.

112. Application of Panchayat Fund.—(1) Subject to the provisions of this Act and rules made thereunder and

such general or special orders as the Government may make, all property vested in the Panchayat under this Act and all funds received by it in accordance with the provisions of this Act and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for the purposes specified in sections 59, 60, 61, 62, and 63 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Panchayat:

Provided that no expenditure shall be incurred out of the Panchayat fund unless provision therefor has been made in the budget of the Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed.

(2) All such funds and sums shall be kept in such deposit and drawn in such manner as may be prescribed.

113. Taxes and Fees.—(1) Every Panchayat shall in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum or not being less than the minimum rates specified in Schedule I, levy—

(*a*) a tax upon buildings whether or not the lands on which the buildings are constructed are subject to payment of agricultural assessment, and upon lands which are not subject to payment of agricultural assessment, within the limits of the village;

(*b*) a tax on professions, trades, callings and employments.**

(2) Where an owner of the building or land has left the village or cannot otherwise be found, any person to whom such building or land has been transferred shall be liable for the tax leviable under sub-section (1) from such owner.

(3) (*a*) Every person who exercises a profession or calling or is engaged in any trade or holds any appointment, public or private, or is employed in any manner within the Panchayat area for not less than sixty days in the aggregate in any year shall pay the tax specified in clause (*b*) of sub-section (1).

Explanation 1.—A person shall be deemed to have exercised a profession or calling or engaged in any trade or held an appointment or employed in any manner within the Panchayat area, if the person has an office, shop or any place of business or is employed in any place within the Panchayat area.

Explanation 2.—A touring officer whose headquarters is within the Panchayat area shall be liable for the payment of tax under this section even though he has not stayed at headquarters for the period specified in this sub-section provided that his connection with the appointment has subsisted for such period.

(*b*) If a person proves that he has paid the sum due on account of the profession tax levied under this Act or under any other law governing local authorities in force in the State for the same year to any other Panchayat or any other local authority, such person shall not be liable, by reason merely of change of place of business, exercise of profession or calling, appointment or employment, to pay to the Panchayat, more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the year under this Act or the said law.

(4) A Town Panchayat may levy Octroi on such articles and at such rates as the Panchayat may by bye-laws determine not exceeding the maximum specified in Schedule I, and in such manner and subject to such exemptions as may be prescribed :

Provided that no octroi shall be leviable in respect of agricultural produce grown in any area within the jurisdiction of the Town Panchayat.

(5) (*a*) A Panchayat may, if in its opinion it is necessary to make special arrangements for the health and comfort of persons resorting to any Shrine, Jatra or Urs periodically within the Panchayat area, by a resolution, and with the previous sanction of the Government, levy a fee not exceeding fifty * paise *per capita* on

persons over twelve years of age resorting to such Shrine, Jatra or Urs, and in such resolution specify the rate of fee and the period or periods during which the fee shall be levied. The levy of fees under this sub-section shall be published in such Panchayat in such manner as may be prescribed.

(*b*) No portion of the proceeds of fees levied under this sub-section shall be expended for purposes other than meeting the charges of the establishment for collection of such fees and the making of arrangements for the health and comfort of persons resorting to such area or the improvement or development of such area.

(*c*) The levy and collection of such fees shall be made in such manner and be subject to such conditions and exemptions as may be prescribed.

(6) A Panchayat may levy all or any of the following taxes or fees at such rates as the Panchayat may by bye-laws determine not exceeding the maximum and not being less than the minimum rates specified in Schedule I and in such manner and subject to such exemptions as may be prescribed, namely—

(i) a tax on entertainments other than cinematograph shows;

(ii) a tax on vehicles other than motor vehicles;

(iii) a fee on bus stands;

(iv) a fee on markets;

(v) a fee on cart stands;

* * *

(7) A Panchayat may levy—

(*a*) a water rate for supply of water by the Panchayat; and

(*b*) a fee for grazing cattle on the grazing land belonging to or vested in the Panchayat,

at such rates, in such manner and subject to such exemptions the Panchayat may by bye-laws determine.

Provided that no fee on bus stands shall be levied unless a bus stand with adequate facilities for travellers is established and the previous sanction of the Deputy Commissioner for such levy is obtained.

(8) The Government may, after giving an opportunity to the Panchayat to be heard, by notification, suspend the levy or imposition of any tax or fees under the preceding sub-sections or reduce the rate at which any such tax or fee is levied or imposed and may at any time rescind such suspension or reduction.

(9) (*a*) A Panchayat may, in addition to the local cess levied under sub-section (1) of section 274 by the Government, levy in such manner as may be prescribed and subject to the sanction of the Government, an additional local cess not exceeding ten paise in the rupee on land revenue.

(*b*) Such cess shall be levied and collected in the same manner as is specified in sub-section (3) of section 274 and the entire proceeds of the cess collected within the area of the Panchayat shall be credited to the Panchayat Fund by the Government.

(*c*) The Government shall make a grant to every Panchayat which levies the additional local cess under clause (*a*) of such percentage of such amount as may be determined by the Government from time to time.

114. **Appeal against assessment, etc.**—Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax or fee under section 113 other than the additional local cess levied under sub-section (9) of the said section may within such period and subject to such conditions as may be prescribed, appeal to the Assistant Commissioner of the Sub-Division. The decision of the Assistant Commissioner on such appeal shall be final.

115. Composition of taxes in factory areas.—(1) Subject to such rules as may be prescribed, when the owner of any industry or factory established in any Panchayat area provides sanitary and other amenities for the buildings and lands used for the industry or as factory, quarters for employees and for other purposes connected with the undertaking, the Panchayat may in lieu of the taxes and fees payable under this Act in respect of such buildings and lands receive such amount annually as may be agreed upon between the Panchayat and such owner.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the Government, and the Government may, after giving to the Panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner, and such determination shall be binding on the Panchayat and such owner.

(3) The Government may by notification direct that the provisions of sub-section (1) shall be applicable to such other establishments as may be specified in such notification.

116. Farming of Market fees, etc.—It shall be lawful for a Panchayat to lease by public auction or, with the previous sanction of the Chief Executive Officer by private contract, the collection of any fees imposed under clause (iv) or (v) of sub-section (6) of section 113 :

Provided that the lessee shall give adequate security for the due fulfilment of the conditions of the lease.

117. Power of Chief Executive Officer to direct increase of taxation of Panchayat.—(1) If in the opinion of the Chief Executive Officer the regular income of a Panchayat falls below what is necessary for meeting promptly its commitments in respect of loans and contributions the Chief Executive Officer may require the Panchayat to take steps, within six months, to increase its income to such extent as he considers necessary. If the Panchayat fails to take adequate steps to raise its income to the

required extent, the Chief Executive Officer may require it to levy or increase any of the taxes or fees specified in section 113.

(2) Any Panchayat may appeal to the Commissioner against an order under sub-section (1) and the Commissioner may stay the execution of such order until the appeal is decided.

118. Recovery of taxes and other dues.—(1) When any tax or fee has become due, the Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or fee or any other sum due to a Panchayat under this Act or the rules or bye-laws on or before the specified date of payment, the Panchayat shall cause a writ of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1), and the service of every writ of demand under sub-section (2), shall be effected by an officer or servant of the Panchayat or other person authorised by the Panchayat in this behalf,—

(*a*) by giving or tendering the bill or writ to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the bill or writ at his last known place of abode, if within the limits of the village, or by giving or tendering the bill or writ to some adult male member or servant of his family ; or

(*c*) if such person does not reside within the limits of the village and his address elsewhere is known to the Chairman or other person directing the issue of the bill or writ, then by forwarding the bill or writ to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or writ to be affixed on some conspicuous part of the building or land, if any, to which the bill or writ relates.

(4) If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the Panchayat may levy such sum along with a penalty of ten per cent of the sum due, by distraint and sale of the moveable property of the defaulter in the prescribed manner.

(5) Fees for—

(*a*) every distress made under sub-section (4),

(*b*) every writ of demand issued under sub-section (2),

(*c*) the cost of maintaining any live-stock seized under sub-section (4),

shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-sections any tax or fee payable on demand to a Panchayat shall be recoverable in such manner as may be prescribed.

(7) If a Panchayat is unable to recover a tax or fee or other sum due to it * * * it may furnish to the Tahsildar a statement of the arrears due, with a request for the recovery of the same under the Mysore Land Revenue Act, 1964. On receipt of such statement of arrears, the Tahsildar shall, proceed to recover the same as an arrear of land revenue. Out of the amount recovered the Government may deduct such percentage as may be prescribed collection charges.

119. Grant by the Government.—(1) The Government shall make annually a grant to every Panchayat of an amount equal to thirty per cent of the land revenue collection of the village.

(2) If the amount of land revenue payable to a Panchayat under sub-section (1) is found to be less than the amount arrived at on the basis of one rupee *per capita* of the population of the Panchayat as ascertained during the last preceding census then the Government shall pay to that Panchayat a grant equal to the difference between the amount arrived at on a *per capita* basis and the amount paid to the Panchayat under sub-section (1).

(3) Land revenue collection of a village for the purposes of sub-section (1) shall mean —

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the village for a period of three years preceding the date of such determination ;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

(4) The amounts granted and assigned to a Panchayat under sub-section (1) and (2) shall be credited to the Panchayat Fund at such times and in such manner as may be prescribed.

120. **Loans by Taluk Boards.**—The Taluk Board may, subject to such rules as may be prescribed, grant loans to a Panchayat within the taluk for the purposes of this Act.

121. **Secretary.**—(1) Every Panchayat shall have a Secretary who shall, subject to such rules as may be prescribed, be appointed by the Chief Executive Officer : * *

* * * * *

Provided that the Chief Executive Officer may, in consultation with two or more Panchayats, appoint the same person as the Secretary common to them.

(2) The qualifications, powers, duties, remuneration and conditions of service of such Secretary shall be such as may be prescribed.

(3) The Secretary shall perform all the duties and exercise all the powers specifically imposed or conferred upon him by or delegated to him under this Act or any rules or bye-laws made thereunder.

(4) Government shall make an annual grant of a sum equivalent to one half of the remuneration of the Secretary of the Panchayat to every Village Panchayat.

(5) Government may by general or special order entrust such other duties as it may specify to the Secretary and he shall carry out those duties. * * *

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122. Schedule of servants.— A Panchayat shall determine and submit for information to the Chief Executive Officer a schedule setting forth the designations and grades, and the salaries and allowances payable to its servants other than the Secretary required for carrying out the duties imposed upon the Panchayat by or under this Act.

123. Appointment of servants.—(1) Save as provided in section 121 the Panchayat may appoint the servants of the Panchayat and pay their salaries from the Panchayat Fund. It may also, in case of emergency, engage such temporary servants as it may deem necessary. The Secretary of the Panchayat may, by a written order, fine, suspend or withhold the increment * * * of any servant appointed by the Panchayat. The Panchayat may reduce in rank, remove or dismiss any servant appointed by it.

(2) An appeal shall lie against an order passed by the Secretary under sub-section (1) to the Panchayat, and against an order passed by the Panchayat under the said sub-section to the Taluk Development Officer.

12 4. **Budget and accounts.**—(1) A Panchayat shall approve annually and shall forward to the Taluk Development Officer on or before such date and in such form as may be prescribed, a budget estimate of—

(*a*) the opening balance and estimated income of the Panchayat for the following financial year ;

(*b*) the expenditure proposed for the establishment of the Panchayat and for the discharge of the duties specified in section 59 ; and

(*c*) the expenditure proposed for the discharge of duties taken over under sub-section (1) of section 61.

(2) If such statement is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Taluk Development Officer may, within two months from the date of receipt of the budget, modify the same to secure compliance with this Act. the rules or the orders.

Provided that the Taluk Development Officer shall not have power to direct that the total proposed expenditure shall exceed the total of the estimated income of the Panchayat for the following year and the opening balance.

(3) If the Panchayat fails to approve the budget estimate and forward it to the Taluk Development Officer on or before the date prescribed under sub-section (1), the Secretary shall forward the budget estimate to the Taluk Development Officer and the Taluk Development Officer shall subject to the provisions of sub-section (2) approve it with or without modification. The budget so approved by the Taluk Development Officer shall be certified by the Taluk Development Officer and thereupon shall be deemed to have been duly approved by the Panchayat.

(4) If in the course of the official year the Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modification :

Provided that without the approval of the Taluk Development Officer no reduction of over ten per cent shall be made in the amounts allotted for the discharge of the duties specified in section 59.

(5) The Secretary of the Panchayat shall keep the accounts in such form as may be prescribed. He shall prepare the annual report of the administration of the Panchayat and shall place the accounts and the report for approval before the Panchayat. The annual statement of such accounts together with the annual report as approved shall be sent to the Taluk Board on or before such date and in such form as may be prescribed.

125. Power to write off irrecoverable amounts.— Subject to such restrictions and control as may be prescribed, a Panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion, such tax, fee, amount or sum is irrecoverable :

Provided that where the Deputy Commissioner or any of his subordinates is entrusted with the collection of any tax, fee or other amount due to a Panchayat, the power to write off such tax, fee or amount or any sum payable in connection therewith, on the ground of its being irrecoverable shall be subject to the approval of the Deputy Commissioner.

126. Audit of accounts.—(1) The accounts of every Panchayat shall be audited each year by such officer as may be authorised by the Government to audit the accounts of Panchayats (hereinafter referred to as the auditor).

(2) The auditor shall, for the purposes of audit, have access to all the accounts and other records of the Panchayat.

(3) The auditor may—

(*a*) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit ;

(*b*) require in writing any person accountable for or having the custody or control of any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the Panchayat to appear in person before him ;

(*c*) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement ;

(*d*) in the event of an explanation being required from the Chairman or other honorary officer or member of the Panchayat, in writing invite such person to meet him and shall in writing specify, the point on which his explanation is required.

"(4) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall, on conviction, be punished with fine which may extend to one hundred rupees :

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Panchayat and to the Chief Executive Officer.

(6) On receipt of the audit report, the Panchayat shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Chief Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Chief Executive Officer any further explanation in regard to such defects or irregularities as it may wish to give.

(7) On receipt of such intimation or explanation, the Chief Executive Officer may in respect of all or any of the matters discussed in the audit report, in consultaton with the Controller, State Accounts Department,—

(*a*) accept the intimation or explanation given by the Panchayat and order the withdrawal of the objection, or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date, or

(*c*) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Panchayat.

(8) The Chief Executive Officer may, after making such further enquiry as he may consider necessary, disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment, and after taking the explanation of the person concerned, the Chief Executive Officer may direct by an order in writing, that such person shall pay to the Panchayat the amount surcharged, and if the amount is not paid, the Chief Executive Officer shall take steps to recover it as an arrear of land revenue and credit it to the Panchayat fund.

(9) Any person aggrieved by the order of the Chief Executive Officer under sub-section (8) may, within thirty days of the receipt by him, of a copy of the decision, either—

(*a*) apply to the court of a Civil Judge to set aside such order, and the Court, after taking such evidence as it

considers necessary, may confirm, modify or remit such surcharge, and make such orders as to costs as it deems proper in the circumstances;

(*b*) in lieu of such application appeal to the Commissioner, who shall pass such orders as he deems fit.

CHAPTER V

PROVISIONS FOR CONVERSION OF A MUNICIPALITY OR A TOWN AREA COMMITTEE OR A NOTIFIED AREA COMMITTEE, INTO A PANCHAYAT AND FOR THE AMALGAMATION AND DIVISION OF PANCHAYATS.

127. Interpretation.—For the purpose of this Chapter, unless the context otherwise requires—

(*a*) "Municipal Council" includes a person or persons appointed to exercise the powers and to perform the functions of a municipal council;

(*b*) "Town Area Committee" means a committee constituted under section 192 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) and "Notified Area Committee" means a committee constituted under section 350 of the Mysore Municipalities Act, 1964;

(*c*) "Town Board" or "Sanitary Board" means a Town Board or Sanitary Board referred to in section 355 of the Mysore Municipalities Act, 1964.

(*d*) "Panchayat" includes a person or persons appointed to exercise the powers and to perform the functions of a Panchayat under section 367.

128. Effect of conversion of a Municipality, Town Area Committee, Town Board, Sanitary Board or a Notified Area Committee into a Panchayat.—(1) When any local area ceases to be a municipality by virtue of a notification under the law governing such municipality, and is declared to be a village under section 3 (hereinafter in

this section referred to as the village), with effect from the day on which such local area is declared to be a village (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely :—

(*a*) the municipal council of such local area shall cease to exist or to function ;

(*b*) there shall be constituted for the village an interim Panchayat consisting of persons vacating office as councillors of the municipality and the President and Vice-President of Municipal Council shall, respectively, be deemed to be the Chairman and Vice-Chairman of the interim Panchayat ;

(*c*) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the municipal council and all rights and powers which, prior to such notification, vested in the municipal council shall, subject to all charges and liabilities affecting the same, vest in the interim Panchayat as the Panchayat fund until a new Panchayat is constituted in pursuance of the provisions of sub-section (1) of section 129 ;

(*d*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule; bye-law or form made, issued, imposed or granted under the municipal law before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act ;

(*e*) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated under the municipal law immediately before the specified date in respect of such local area shall be deemed to have been made or authenticated under this Act ;

(*f*) all debts and obligations incurred and all contracts made by or on behalf of the municipal council before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Panchayat in exercise of the powers conferred on it by this Act ;

(*g*) all officers and servants in the employ of the municipal council immediately before the specified date shall be officers and servants of the Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date :

Provided that it shall be competent to the Panchayat, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Panchayat service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund, and gratuity as he would have been entitled to take or receive on being invalided out of service as if the municipal council in the employ of which he was, had not ceased to exist ;

(*h*) all proceedings pending immediately before the specified date before the municipal council shall be deemed to be transferred to and continued before the Panchayat ;

(*i*) all appeals pending immediately before the specified date before the municipal council shall, so far as may be practicable, be disposed of as if such local area had been included in the village when they were filed ;

(*j*) all prosecutions instituted by or on behalf of the municipal council and all suits or other legal proceedings instituted by or against such municipal council or any officer of such municipal council pending immediately before the specified date shall be continued by or against the Panchayat

as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

(2) When a Town Area Committee, Town Board, Sanitary Board or a Notified Area Committee ceases to be a Committee or Board as such by virtue of a notification under the law governing such Committee or Board and is declared to be a village under section 3, the provisions of sub-section (1) shall apply *mutatis mutandis*.

129. **Term of office of members of interim Panchayat and their powers.—(1) The Deputy Commissioner shall** take steps to hold election for a new Panchayat within a period not exceeding one year from the date on which the interim Panchayat has been constituted under section 128.

(2) The members of the interim Panchayat shall hold office until the date immediately preceding the date of first meeting of the new Panchayat.

(3) Any vacancy in the office of the interim Panchayat shall be filled as soon as it conveniently may be, by appointment by the Deputy Commissioner.

(4) All arrears of rates, taxes and fees vesting in the interim Panchayat shall, notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as a tax levied under section 113 of this Act :

Provided that steps to recover arrears of rates, taxes and fees shall be taken within a period of three years from **the date on which they vest in the interim Panchayat.**

(5) In other respects the provisions of this Act shall, *mutatis mutandis* apply to the interim Panchayat and its members.

(6) If any difficulty arises—

(i) in the constitution of the interim Panchayat or the new Panchayat which succeeds it, or

(ii) in giving effect to the provisions of section 128 and this section,

the Government may, by notification, as occasion may require do, notwithstanding anything contained in this Act or any other law, anything which appears to it to be necessary to remove the difficulty.

130. Effect of amalgamation of Villages.—When two or more villages cease to be villages and the local areas constituting such villages are amalgamated and declared to be one village (hereinafter in this section referred to as the amalgamated village) by virtue of a notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely :—

(*a*) the Panchayats of such local areas shall cease to exist and all the members of such Panchayats shall vacate office ;

(*b*) all powers and duties of such Panchayats shall be exercised and performed by such person (hereinafter referred to as the administrator) as the Deputy Commissioner appoints in this behalf ;

(*c*) the unexpended balance of the Panchayat funds and all the properties (including arrears of rates, taxes and fees) belonging to such Panchayats and all rights and powers which prior to the specified date, vested in such Panchayats shall, subject to all charges and liabilities affecting the same, vest as the Panchayat fund,—

(i) in the administrator, until the Panchayat for the amalgamated village is constituted (hereinafter referred to as the amalgamated Panchayat) and the term of office of its members commences under section 41 ; and

(ii) thereafter, in the amalgamated Panchayat ;

(*d*) the unexpended balance of the Panchayat funds and all the properties (including arrears of rates, taxes and fees) shall, until the amalgamated Panchayat is constituted.

be utilised for the benefit of the inhabitants of such local areas in such manner as the administrator may think fit ;

(*e*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted in respect of such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the amalgamated village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, imposed or granted under this Act ;

(f) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated by such Panchayats before the specified date shall be deemed to have been made or authenticated in respect of the amalgamated Panchayat under this Act ;

(*g*) all debts and obligations incurred and all contracts made by or behalf of such Panchayat and subsisting immediately before the specified date shall be deemed to have been incurred and made by the amalgamated Panchayat in exercise of the powers conferred on it by this Act ;

(*h*) all officers and servants in the employ of such Panchayats immediately before the specfied date shall be officers and servants of the amalgamated Panchayat and shall, until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date :

Provided that it shall be competent for the administrator or the amalgamated Panchayat, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in his, or its, opinion, is not necessary or suitable to the requirements of the Panchayat service in respect of the amalgamated village, after giving such officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are discontinued, shall be

entitled to such leave, pension, provident fund and gratuity, as he would have been entitled to take or receive on being invalided out of service, as if the Panchayats, in the employ of which he was, had not ceased to exist;

(*i*) all proceedings pending immediately before the specified date before such Panchayats shall be deemed to be transferred to and continued before the administrator or the amalgamated Panchayat, as the case may be;

(*j*) all appeals pending before such Panchayats immediately before the specified date shall, so far as may be practicable, be disposed of by the administrator or the amalgamated Panchayat, as the case may be;

(*k*) all prosecutions instituted by or on behalf of such Panchayats and all suits or other legal proceedings instituted by or against such Panchayats or any officer of such Panchayats pending immediately before the specified date shall be continued by or against the amalgamated Panchayat or administrator of the amalgamated Panchayat, as the case may be.

131. Effect of division of village.—Where any local area comprised within the limits of a village ceases to be a village and is declared as constituting two or more new villages by virtue of a notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely: —

(*a*) the Panchayat constituted in respect of such local area shall cease to exist or to function and all the members of the Panchayat shall vacate office;

(*b*) all the powers and duties of the Panchayat for each of the new villages shall, until Panchayats are constituted for such villages, be exercised and performed by such person (hereinafter referred to as the administrator) as the Deputy Commissioner shall appoint;

(*c*) the unexpended balance of the Panchayat fund and all the property including arrears of rates, taxes, and

fees belonging to such Panchayat shall vest in the new Panchayats in such proportion and in such manner as * * * may be prescribed ;

(*d*) the officers and servants of such Panchayat shall be allocated by the Deputy Commssioner between the new Panchayats in such manner as the Deputy Commissioner may direct ;

(*e*) subject to clauses (*a*) to(*d*) the provisions of section 128 shall *mutatis mutandis* apply to the administrators of the new Panchayats and their members.

132. Dissolution and reconstitution of Panchayat on alteration of limits of village.—(1) When during the term of a Panchayat, on account of the constitution of a new village or for any other reason, the limits of a village are altered, the Deputy Commissioner may by order published in the official gazette, dissolve such Panchayat and direct a Panchayat—

(i) to be reconstituted for the village the limits of which are altered ; or

(ii) to be established for a village which has been newly constituted.

(2) The members of the Panchayat which has been dissolved under sub-section (1), shall vacate their office from the date specified in the order of the Deputy Commissioner.

(3) The Panchayat reconstituted or established under the provisions of sub-section (1) shall consist of such members, either elected or appointed in such manner as the Deputy Commissioner shall, by order in writing, direct.

(4) The Chairman and Vice-Chairman of the Panhayat so reconstituted shall be elected in the manner prooded in this Act.

(5) The term of the Panchayat so reconstituted or established shall be for such period, not exceeding one year, as the Deputy Commissioner shall, by order in writing, specify.

(6) On the expiry of the term of the Panchayat in accordance with the provisions of sub-section (5), the Panchayat shall be constituted in the manner provided by this Act.

133. Vesting of property, etc., of Panchayat which has been dissolved in reconstituted or established Panchayat.—(1) When a Panchayat has been dissolved and reconstituated or established under section 132, so much of the Panchayat Fund and other property vesting in the Panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the Panchayat constituted or established under section 132, as the Deputy Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the Panchayat which has been dissolved in respect of civil and criminal proceedings, contracts, agreements, and other matters or things arising in or relating to any part of the area subject to the authority of the Panchayat reconstituted or established, shall vest in such Panchayat.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted by the Panchayat which has been dissolved, in respect of any part of the area subject to the authority of the Panchayat which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Panchayat unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted by such Panchayat.

134. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of sections 130, 131, 132 and 133, the Government may, by order published in the official gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

PART III—TALUK DEVELOPMENT BOARDS

CHAPTER VI.

Constitution of Taluk Boards.

135. Establishment of Taluk Boards and their incorporation.—(1) For each revenue taluk, there shall be a Taluk Development Board having jurisdiction over the entire taluk, excluding such portions of the taluk, as are included in a municipality or are under the authority of a Town Board, Sanitary Board or a Town Area Committee or a Notified Area Committee or a Cantonment Board constituted under any law for the time being in force.

(2) Every Taluk Board shall be a body corporate by the name of "..... Taluk Development Board", shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, moveable or immoveable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

136. Strength of Taluk Boards.—The number of members in each Taluk Board shall be as indicated below :—

TABLE

	Population of Taluk	*No. of members*
(*a*)	For a Taluk with a population not exceeding 60,000 ..	15
(*b*)	For a Taluk with a population exceeding 60,000 but not exceeding 90,000 ..	17
(*c*)	For a Taluk with a population exceeding 90,000 but not exceeding 1,30,000	19
(*d*)	For a Taluk with a population exceeding 1,30,000 but not exceeding 1,75,000	21
(*e*)	For a Taluk with a population exceeding 1,75,000 but not exceeding 2,25,000	23
(*f*)	For a Taluk with a population exceeding 2,25,000 ..	25

Explanation.—Population for purposes of this section means the population (as ascertained at the last preceding census of which the relevant figures are published) of the taluk excluding such portions of it as are included in a Municipality or are under the authority of a Sanitary Board, Town Area Committee, Notified Area Committee or Cantonment Board.

137. Composition of Taluk Boards.—(1) Every Taluk Board shall consist of such number of members as is specified in section 136, directly elected by ballot by the votes in each taluk to fill the general seats and seats reserved for Scheduled Castes and Tribes and women in accordance with the provisions of this Act and the rules made thereunder.

(2) (*a*) Subject to the provisions of clause (*b*), the members of the State Legislative Assembly representing a part or whole of the taluk whose territorial constituencies lie within the jurisdiction of the Taluk Board, and the members of the State Legislative Council ordinarily resident in the taluk shall be entitled to take part in the proceedings of, and vote at, the meetings of the Taluk Board.

(*b*) The members of the State Legislative Assembly and the State Legislative Council referred to in clause (*a*) shall have the rights and be subject to the liabilities of the members of the Taluk Boards, except the right to hold the office of the President or Vice-President.

(3) (*a*) The Chairman of the Taluk Agricultural Produce Co-operative Marketing Society shall be an associate member.

(*b*) An associate member shall be entitled to take part in the proceedings of the Taluk Board but shall not have the right to vote. He shall not also be eligible to hold the office of President or Vice-President.

138. **Representation of Women.**— Seats not exceeding two shall be reserved for women in each Taluk Board as the Government may from time to time direct and different numbers may be fixed for different Taluk Boards.

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139. **Representation of Scheduled Castes and Tribes.**— Seats shall be reserved in a Taluk Board for the Scheduled Castes and Tribes the number of such seats bearing as nearly as may be the same proportion to the total number of

seats in the Taluk Board as the population of the Scheduled Castes and Tribes in the Taluk bears to the total population of the Taluk :

Provided that this section shall cease to have effect after the period specified in Article 334 of the Constitution:

Provided further that the preceding proviso shall not affect any representation in a Taluk Board until the expiry of the term of office of its members.

Explanation.—" Population " for purposes of this section shall be computed in the same manner as is specified in the explanation to section 136.

140. Delimitation of territorial constituencies.—(1) Subject to the provisions of sub-section (2), the Commissioner shall by notification determine,—

(*a*) the constituencies into which the area within the jurisdiction of every Taluk Board shall be divided for the purposes of elections to such Taluk Board :

(*b*) the extent of each constituency ;

(*c*) the number of seats allotted to each constituency which shall be either two or three ; and

(*d*) the number of seats, if any, reserved for Scheduled Castes and Tribes or women in each constituency.

(2) The ratio between the number of members to be elected from each territorial constituency in a taluk and the

population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout the taluk.

141. List of Voters.—(1) The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any Taluk Board constituency shall, for the purposes of this Act, be deemed to be the list of voters for such Taluk Board constituency.

Explanation.—For the purposes of this sub-section, electoral roll shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950) for the time being in force.

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(2) The Taluk Development Officer of the Taluk shall maintain in the prescribed manner a list of voters for each Taluk Board constituency.

142. Qualifications of Candidates.—(1) Subject to the provisions of sub-sections (2) and (3), a person shall not be qualified to be chosen to fill a seat in any Taluk Board unless he is a citizen of India and is not less than twenty-five years of age.

(2) A person shall not be qualified to be chosen to fill a seat in a Taluk Board unless his name is included in the electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Legislative Assembly as is included in the revenue taluk for which such Taluk Board is established.

(3) A person shall not be qualified to be chosen from a constituency to fill a seat in a Taluk Board unless.—

(i) in the case of a seat reserved for the Scheduled Castes and Tribes such person is a member of those castes or tribes; and

(ii) in the case of a seat reserved for women, such person is a woman.

143. Disqualification of Candidates.—A person shall be disqualified for being chosen as a member of a Taluk Board—

(*a*) if he has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months such sentence not having been subsequently reversed, or quashed or the offence pardoned, or

(*b*) if an order has been passed against him under section 118 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) if he has been dismissed from Government service or service under any local authority, or

(*d*) if, having been a legal practitioner, he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension, or

(*e*) if he is an undischarged insolvent, or

(*f*) if he is of unsound mind and stands so declared by a competent court, or

(*g*) if he is a member of the State Legislative Assembly or the State Legislative Council or a municipal councillor or a councillor of a municipal corporation or a member of a Sanitary Board, Town Board, Town Area Committee, Notified Area Committee or Cantonment Board,

(*h*) if he has been removed from membership of any local authority, or

(*i*) if he holds any office of profit under the Government of India, or the Government of Mysore or the Government of any other State in India or of any local or other authority, subject to the control of any of the said Governments, other than such offices as are declared by rules made under this Act not to disqualify the holder, or

(*j*) if save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of the Taluk Board, or in any contract or employment with, or under or by, or on behalf of the Taluk Board, or

(*k*) if he is employed as paid legal practitioner on behalf of the Taluk Board or accepts employment as legal practitioner against the Taluk Board;

(*l*) if arrears of any kind are due by him to the Taluk Board under this Act:

Provided that—

(*a*) the disqualification in clause (*b*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in clause (*a*), (*c*) or (*d*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or disenrolment;

(*c*) the disqualification in clause (*h*) will cease to operate after the expiry of five years from the date of such removal;

(*d*) a person shall not be deemed to have incurred disqualification under clause (*j*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any association registered under the Societies Registration Act, or in any co-operative society which shall contract with or be employed by or on behalf of the Taluk Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Taluk Board is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Taluk Board.

144. Disqualification of Members.—(1) If a member of a Taluk Board—

(*a*) becomes subject to any of the disqualifications specified in section 143, or

(*b*) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clauses (i) and (ii) of clause (*d*) of the proviso to section 143, or

(*c*) votes on or takes part in the discussion of any question in contravention of the provisions of clause (*h*) of sub-section (2) of section 161, or

(*d*) absents himself for more than three consecutive ordinary meetings of the Taluk Board unless leave so to absent himself, which shall not exceed four months, had been granted by the Board, or absents himself for over four consecutive months from the meetings of the Taluk Board,

his seat shall thereupon become vacant:

Provided that where an application is made by a member to the Taluk Board for leave to absent himself under clause (*d*) and the Board fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Board.

(2) The Chief Executive Officer either *suo-motu* or on a report made to him and after giving a reasonable opportunity to the member concerned to be heard, shall declare the seat of the person concerned to be vacant.

145. Method of voting and procedure for election.—(1) Every elector shall have as many votes as there are

members to be elected and shall give all the votes which he is entitled to give * * . No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Taluk Board shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of section 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 shall apply in respect of elections to Taluk Boards as they apply in respect of elections to Panchayats.

146. **Prohibition of simultaneous membership.**— (1) If a person is elected by more than one Taluk Board constituency, he shall, by notice in writing signed by him and delivered to the Chief Executive Officer, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1) the Deputy Commissioner shall determine by lot and notify the constituency which such person shall serve.

(3) The said person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

147. **Determination of the Validity of Election.**— * * * *

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The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall apply *mutatis mutandis* for the determination of the validity of elections to Taluk Boards the application being to the Munsiff having jurisdiction * * *

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and the deposit as security for costs being one hundred rupees.

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148. Publication of names of members.—The names of all members elected to any Taluk Board, shall be reported to the Commissioner who shall notify it in the official gazette.

149. Term of office of members.—Except as is otherwise provided in this Act, members of a Taluk Board elected at a general election shall hold office for a term of five years:

Provided that the Government may, by notification, for reasons to be stated therein extend the term of office of all the members by such period or periods so that the total period so extended does not exceed one year,

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150. Commencement of term of office of members.—The term of office of members elected at a general election under sub-section (1) of section 137 shall commence on the day immediately after the date of the expiry of the term of office of the outgoing members of the Taluk Board or on the date of publication of their names under section 148 whichever is later.

151. Resignation of member.—A member of a Taluk Board may resign his membership in writing, under his hand addressed to the President of the Taluk Board and his seat shall become vacant on the expiry of fifteen clear days from the date of receipt of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the President.

152. Removal of members for misconduct.—The Commissioner, if he thinks fit, on the recommendation of the Taluk Board, may remove any member after giving him an opportunity of being heard and after such enquiry as he deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties as a member.

153. Casual vacancies how to be filled up.—casual vacancy shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold

office so long only as the member in whose place he is elected would have held office if the vacancy had not occurred.

154. Election of President and Vice-President and term of office.—(1) Every Taluk Board shall, as soon as may be, choose two members of the Taluk Board to be respectively the President and Vice-President thereof, and so often as there is a casual vacancy in the office of the President or Vice-President, the Taluk Board shall choose another member to be the President or Vice-President, as the case may be :

Provided that notwithstanding the expiry of his term a President and Vice-President shall continue in office until the election of the next President or Vice-President.

Provided further that no election shall be held if the vacancy is for a period of less than one month.

(2) The election of the President or the Vice-President of a Taluk Board and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed :

Provided that the authority to determine such election disputes shall be such judicial officer as may be prescribed :

(3) Save as otherwise provided in this Act, a President or Vice-President shall hold office for the term of office of the members of the Taluk Board.

155. Salary and Allowances of President and Vice-President.—(1) The President shall be paid from the funds of the Taluk Board a salary of one hundred and fifty rupees per month and an allowance of one hundred rupees per month.

(2) The Vice-President shall be paid a consolidated allowance of one hundred rupees per month.

(3) The President and the Vice-President shall not be entitled to any travelling and daily allowance for tours within the Taluk.

156. Leave to the President and Vice-President.— (1) A President may take leave for a period not exceeding thirty days in a year after intimating the Vice-President and the Chief Executive Officer and he may be granted leave of absence for a period exceeding thirty days and not exceeding ninety days in a year in the aggregate by the Commissioner, but no leave exceeding ninety days in any one year shall be granted :

Provided that on grounds of illness duly certified by a Medical Officer approved by the Government, leave exceeding ninety days but not exceeding one hundred and eighty days in year, may be granted by the Government.

(2) The President shall not be entitled to any salary or allowance during any period of absence exceeding ten days at a time. The salary and allowance during such period of absence shall be paid to the Vice-President performing the functions of the President.

(3) A Vice-President may take leave for a period not exceeding thirty days in a year after intimating the President and the Chief Executive Officer and he may be granted leave of absence for a period not exceeding one hundred and twenty days, in a year in the aggregate by the Taluk Board.

(4) Whenever leave is granted to the Vice-President or when the Vice-President is performing the duties of the President who is absent for a period exceeding thirty days at a time, the Taluk Board shall elect a member to perform the functions of the Vice-President, for the period of his absence.

(5) The consolidated allowance payable to the Vice-President shall be paid to the member elected as Vice-President.

(6) During a vacancy in the office of the President and where there is no Vice-President to take his place or if the Vice-President fails to assume charge of the office of President, the Deputy Commissioner shall nominate a member to function as the President and such person shall, notwithstanding anything contained in this Act, perform such functions until a President is duly elected.

157. Resignation or removal of President and Vice-President.—(1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed to the Assistant Commissioner of the Revenue Sub-Division and the office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the said Assistant Commissioner.

(2) Every President or Vice-President shall vacate office if he ceases to be a member of the Taluk Board.

(3) Every President and every Vice-President shall be removed from office by the Commissioner if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the total number of members of the Taluk Board at a meeting specially convened for the purpose.

(4) Every President and Vice-President shall, after an opportunity is afforded for hearing him, be removable from his office as such President or Vice-President by the Commissioner for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts, and a President or Vice-President so removed shall not be eligible for re-election as President or Vice-President during the remainder of his term of office. A President or Vice-President removed for misconduct shall also be removed from membership of the Taluk Board.

Explanation.—A person may be presumed to be unable to pay his debts, if he is under imprisonment in execution of the decree of any court for the payment of money.

158. Suspension of President or Vice-President.—(1) The Chief Executive Officer may suspend from office a President or Vice-President of a Taluk Board * * * * who has been detained in prison for not less than one month during trial under the provisions of any law for the time being in force.

(2) Where a President or Vice-President has been suspended under sub-section (1), another member of the Taluk Board shall be elected to perform all the duties and exercise all the powers of the President or Vice-President, during the period for which such suspension continues.

(3) An appeal shall lie against an order passed under sub-section (1) to the Commissioner to be made within a period of thiry days from the date of the order.

CHAPTER VII

Conduct of Business

159. Powers and duties of President.—(1) The President of a Taluk Board shall—

(*a*) convene, preside over and conduct the meetings of the Taluk Board ;

(*b*) have access to the records of the Taluk Board ;

(*c*) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or delegated to him by the Taluk Board ;

(*d*) watch over the financial and executive administration of the Taluk Board and submit to the Taluk Board all questions connected therewith which shall appear to him to require its orders ;

(*e*) exercise administrative supervision and control over the Taluk Development Officer for securing implementation of resolution or decisions of the Taluk Board or of any Committee thereof ;

(*f*) call for any information, return or statement, account or report from any officer or servant of the Taluk Board ;

(*g*) enter on and inspect any immoveable property in the Taluk vested in the Zilla Parishad or any institution under the control or management of the Zilla Parishad or the Taluk Board or any work or development scheme undertaken by or under the direction of the Zilla Parishad or the Taluk Board.

(2) The President may, if in his opinion, the immediate execution of any work or the doing of any act is necessary in public interest, direct the execution of such work, or the doing of the act, and shall report the action taken to the Taluk Board, at its next meeting.

160. Powers and duties of Vice-President.—The Vice-President of a Taluk Board shall—

(*a*) in the absence of the President, preside at the meetings of the Taluk Board ;

(*b*) exercise such powers and perform such duties of the President as the President from time to time may, with the sanction of the Board, delegate to him ;

(*c*) exercise powers and perform the duties of the President pending election of the President or during the absence of the President on leave ;

(*d*) enter on and inspect any immoveable property in the Taluk vested in the Zilla Parishad or any institution in the Taluk under the control or management of the Zilla Parishad or the Taluk Board or any work or development scheme undertaken by, or under the direction of the Zilla Parishad or the Taluk Board.

161 Meetings of Taluk Boards.—(1) A Taluk Board shall hold a meeting for the transaction of business every month (hereinafter in this section called the ordinary meeting) and shall, subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act or with any rules made thereunder, with respect to the place, day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat.

(2) (*a*) The date of the first meeting of the Board after the constitution or re-constitution, shall be fixed by the Chief Executive Officer, and the Assistant Commissioner in charge of the Revenue Sub-Division shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. Every special meeting shall be held at the office of the Taluk Board.

(*b*) If the President fails to call a special meeting the Vice-President or one-third of the total number of members may call such meeting for a day not more than thirty days after the presentation of such request and require the Taluk Development Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(*c*) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Taluk Development Officer to the members, the members of the State Legislative Assembly and State Legislative Council and associate member entitled to attend the meeting, and posted up at the Taluk Board Office. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

(*d*) One-third of the total number of members of the Taluk Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting, a quorum is not present, the presiding authority shall wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such

period there is no quorum the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of quorum. At such adjourned meeting at which there is a quorum the business which would have been brought before the original meeting shall be transacted.

(*e*) Every meeting shall be open to the public unless the presiding authority considers that any inquiry or deliberation pending before the Board should be held in private. The said authority may at any time, cause any person who interrupts the proceedings to be removed.

(*f*) Every meeting shall be presided over by the President, or, if he is absent, by the Vice-President, and if both the President and Vice-President, are absent or if the President is absent and there is no Vice-President, the members present shall elect one from among themselves to preside.

(*g*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he may give his casting vote.

(*h*) No member of a Taluk Board shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(*i*) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried; he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(*j*) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting, or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The President may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (*l*). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*k*) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*l*) No resolution of a Taluk Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of clause (*c*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of members, the members of the State Legislative Assembly and the State Legislative Council, the associate member and Government Officers, if any, present and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members and others

voting respectively for or against any resolution in a book to be provided for this purpose. The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decisions of the Taluk Board shall be reported at the next meeting of the Board. The minutes book shall at all reasonable times be open to inspection by any member of the Board or by any person entitled to vote at the elections to the Taluk Board.

(4) A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Chief Executive Officer.

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162. **Meetings of Chairmen of Panchayats.**—(1) Every Taluk Board shall convene two meetings of all the Chairmen of the Panchayats in the Taluk every year, one in the month of May and the other in the month of November.

(2) At the meeting held in the month of May the working of the Panchayats and the progress made in the implementation of the plans of the Taluk Board for development of the Taluk during the preceding financial year shall be considered.

(3) At the meeting held in the month of November the programmes of the Taluk Board and the Panchayats to be undertaken during the succeeding financial year and the ways and means of financing them as well as proposals for new taxation, if any, shall be considered.

163. **Interpellations and resolutions.**—(1) A member of a Taluk Board may move resolutions and interpellate the President on matters connected with the administration of the Taluk Board, subject to such regulations as may be made by the Board.

(2) A member of a Taluk Board may also call the attention of the President to any neglect in the execution of the work of the Taluk Board, to any waste of property belonging to the Taluk Board, or to the wants of any locality within the Taluk and may suggest any improvements which may appear desirable.

(3) A Taluk Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Commissioner resolutions on questions connected with the administration of the Taluk other than those coming within the purview of this Act.

164. Executive Officer and other Officers of the Taluk Board.—(1) The Block Development Officer of the Taluk shall be the Executive Officer and *ex-officio* Secretary of the Taluk Board and shall be called the Taluk Development Officer.

(2) Subject to such rules as may be prescribed every Taluk Board shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties.

(3) The officers and servants employed by the Taluk Board under sub-section (2) shall be subordinate to and subject to the disciplinary control of the Taluk Development Officer and the Chief Executive Officer.

(4) Government may by a general or special order entrust such other duties as it may specify to the Taluk Development Officer and other officers of the Taluk Board, and the Taluk Development Officer and other officers of the Board shall carry out those duties. On such entrustment, the expenditure on account of the salaries and allowances of the establishment of the Taluk Board to which other duties are entrusted shall be apportioned between the Taluk Board and the Government in such manner as may be prescribed.

165. Functions of the Taluk Development Officer.— (1) Subject to the general powers of the President under section 159, the Taluk Development Officer shall perform the following functions :—

(*a*) duly and promptly implement the resolutions of the Taluk Board and of any of its committees :

Provided that where he considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act, or the rules thereunder, or is likely to endanger human life or health, or the public safety, he shall refer the matter to the Chief Executive Officer for orders and *** the Chief Executive Officer after giving an opportunity to the Taluk Board to be heard, shall give a decision and such decision shall be final ;

(*b*) grant leave of absence to such class of officers or servants of the Zilla Parishad working under the Taluk Board subject to the general control of the Chief Executive Officer of the Zilla Parishad as may be prescribed ;

(*c*) have the custody of all papers and documents connected with the proceedings of the Taluk Board ;

(*d*) draw and disburse money out of the Taluk Board Fund ;

(*e*) in relation to works and development schemes to be undertaken from Community Development grants, exercise such powers of sanction, acquisition of property or sale or transfer thereof as may be specified by the Government.

(*f*) exercise such powers of supervision and control over the acts of officers and officials of the Zilla Parishad serving with the Taluk Board as may be delegated to him by the Chief Executive Officer ;

(*g*) assess and give his opinion every year on the work of the officers serving with the Taluk Board ;

(*h*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or delegated to him under this Act or the rules or regulations made thereunder.

(2) The Taluk Development Officer shall attend every meeting of the Taluk Board and shall have the right to attend the meeting of any Committee thereof and of any Panchayat in the taluk or a Committee thereof and to take part in the discussions, but shall not have the right to move any resoluton or to vote.

166. Mode of making contracts.—(1) No contract or arrangement entered into on behalf of the Taluk Board, shall be valid unless the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Taluk Development Officer may execute contracts or agreements on behalf of the Taluk Board where the amount or value of such contract or agreement does not exceed five hundred rupees and he may execute such contract or agreement on behalf of the Taluk Board with the previous approval of the President where the amount or value of such contract or agreement exceeds five hundred rupees but does not exceed two thousand rupees and in all other cases, he shall execute a contract or agreement only with the sanction of the Taluk Board.

(3) Notwithstanding anything to the contrary in sub-section (2), the Taluk Development Officer shall not execute any contract or agreement on behalf of the Taluk Board for the purchase, sale, lease, mortgage or other transfer of immoveable property, except with the sanction of the Taluk Board.

167. Contracts entered into by the Taluk Development Officer to be reported.—Where a Taluk Development Officer enters into a contract or agreement on behalf of the Taluk Board, he shall report the fact to the Taluk Board at its next meeting.

168. Taluk Board fund ordinarily liable for all costs and expenses incurred by the Board.—(1) Except as hereinafter otherwise provided, no Taluk Development Officer and no member of a Taluk Board shall be personally liable in respect of any contract or agreement made, for any expenses incurred by, or on behalf of, such Board.

(2) The Taluk Board Fund at the disposal of each Taluk Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

169. Taluk Board Committees.—(1) Every Taluk Board shall constitute the following Committees by election :—

(i) The Standing Committee ;
(ii) The Education and Health Committee ;
(iii) The Social Welfare Committee ;
(iv) The Production Committee.

(2) The President of the Taluk Board shall be *ex-officio* member and Chairman of all the committees except the Education and Health Committee. The Vice-President shall be *ex-officio* member and Chairman of the Education and Health Committee.

(3) Subject to the provisions of sub-section (5), the total number of members in each committee shall be not more than seven and not less than three. The associate member shall be a member of the Production Committee. The Education and Health Committee and the Social Welfare Committee shall each consist of at least one member who is a woman and one member belonging to the Scheduled Castes and Tribes.

(4) Every Committee shall hold office for such period as may be fixed by the Government.

(5) The Production Committee may co-opt progressive farmers, or representatives of voluntary organisations in the

taluk interested in agricultural activities as additional members subject to the condition that not more than two such members shall be so co-opted.

(6) No member of the Board shall be eligible to serve on more than two committees.

(7) A member of a committee who is absent from three consecutive meetings of the committee without the leave of the committee shall cease to be a member of the committee. If any dispute arises in this behalf it shall be referred to the Chief Executive Officer whose decision shall be final.

(8) A Taluk Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sub-section (1) and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the Board.

170. Functions of Committees.—(1) The Standing Committee shall—

(*a*) frame the budget and make suggestions in respect of policies to be adopted by the Board;

(*b*) perform functions pertaining to communications, rural housing, buildings and emergency relief during times of distress;

(*c*) accord financial and administrative sanction to works and schemes under powers delegated by the Board;

(*d*) exercise emergency powers for directing execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in its opinion, necessary for the health and safety of the public and may direct that the expense of executing such work or the doing such act shall be paid from the Taluk Board Fund.

(2) The Education and Health Committee shall—

(*a*) assist the Zilla Parishad—

(i) in conducting and reviewing educational surveys and in preparing and implementing Five Year Plans for the development of education and all other educational activities entrusted to it ;

(ii) in providing adequate accommodation and equipment for Primary Schools ; and

(iii) in supervising the working of Primary Schools and of such other educational institutions under the control of the Zilla Parishad as the Parishad may specify from time to time ;

(*b*) exercise such powers over the staff employed in Primary Schools and other educational institutions under the control of the Zilla Parishad as may be delegated to it from time to time.

(*c*) supervise the activities of the Village Panchayats and Town Panchayats within the jurisdiction of the Taluk Board to ensure that each such Panchayat pays its contribution to the school funds, if any, and generally to guide them to maintain and improve the Primary Schools and other schools in their charge ;

Explanation.—In this clause "school funds" means funds constituted for providing mid-day meals or books and equipment to students and such other funds for such purposes as the Government may by order specify.

(*d*) construct new buildings for Primary Schools and attend to the maintenance of such buildings ;

(*e*) assist the Zilla Parishad in taking buildings on lease where necessary ;

(*f*) furnish information to the Zilla Parishad on matters connected with Primary Education and other educational activities undertaken by the Zilla Parishad in the taluk ;

(*g*) carry on propaganda in the taluk for the expansion and improvement of education in general and primary education in particular ; .....

(*h*) supervise the working of the Primary Health Centres, Rural Dispensaries, and Ayurvedic and Unani dispensaries in the Taluk;

(*i*) carry on propaganda for family planning;

(*j*) make proposals for the promotion of Public Health in the Taluk in general.

(*k*) exercise such other powers and perform such other duties as may be delegated to it by the Zilla Parishad from time to time.

(3) The Social Welfare Committee shall perform functions relating to—

(*a*) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and other Backward Classes;

(*b*) protecting such castes and classes from social and all forms of exploitation; and

(*c*) making recommendations to the Taluk Board in respect of matters referred to in item XII of section 173 and

(*d*) such other matters as may be assigned to it by the Taluk Board or the Zilla Parishad.

(4) The Production Committee shall attend to the functions relating to agriculture, animal husbandry, co-operation, rural industries and other amenities programmes of the Taluk Board.

(5) Each committee shall meet once every month and the Taluk Board shall review the work of each of the committees once in every two months.

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171. Procedure of Committees.—(1) The Government may make rules relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of the committee be entitled to call for such information, return, statement, account or report from the Taluk Board office as may be required and to enter on and inspect any immoveable property of the Board or work in progress connected with the functions of the committee.

(3) An officer of the Zilla Parishad dealing with the execution and inspection of developmental programmes, may, at the request of the Taluk Board or any Committee thereof, attend any meeting of the Taluk Board or of such committee, and address such Board or committee on any matter under discussion affecting his department and shall furnish his advice in such matters whenever desired by the Board or the committee.

172. **Validity of Proceedings.**—(1) No disqualification of or defect in the election or appointment of any person acting as member, or as the president or presiding authority of a meeting or a chairman or member of a Taluk Board or Committee thereof shall be deemed to vitiate any act or proceeding of the Taluk Board or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

(2) No resolution of a Taluk Board or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice, upon any member provided that the proceedings of the Taluk Board or Committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Taluk Board or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee,

such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in a Taluk Board or a committee the continuing members may act as if no vacancy had occurred.

CHAPTER VIII

Functions of Taluk Boards.

173. General Functions of Taluk Boards.—It shall be the duty of every Taluk Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and, outside that area when the Taluk Board considers it necessary to do so in that area :—

I. *Community Development Programme.*

The execution of all programmes under Community Development in association with Panchayats, Co-operative Societies, voluntary organisations and the people.

II. *Agriculture.*

(1) Planning for agricultural development in the Taluk ;

(2) Demonstration and propagation of improved agricultural methods and practices and establishment of model agricultural farms ;

(3) Production of improved seed through registered seed growers and distribution of seed in the taluk ;

(4) Encouragement of fruit and vegetable cultivation ;

(5) Propagation of, and assisting in plant protection methods ;

(6) Achieving self-sufficiency in green manure and composting of farm yard manure;

(7) Providing credit and other facilities for irrigation and agricultural development;

(8) Extending the acreage under irrigation by renovating and sinking wells, repairing and digging tanks and maintaining Government minor irrigation sources and supply channels;

(9) Providing for timely and equitable distribution and full use of water under irrigation schemes;

(10) Exploiting under-ground water sources by sinking wells and filter points and tube-wells;

(11) Laying out demonstration plots and working out improved methods of farm management.

III. *Animal Husbandry.*

(1) Establishment and maintenance of Rural Veterinary Dispensaries;

(2) Improving cattle breeds;

(3) Castration of scrub bulls;

(4) Controlling contagious diseases;

(5) Distribution of improved cattle, poultry and sheep;

(6) Introducing improved grass and cattle feeds and providing for their storage;

(7) Organisation of cattle shows;

(8) Development of dairy, poultry, sheep-breeding and piggery.

IV. *Forests.*

(1) Development of village forests and farm forestry;

(2) Tree planting.

V. *Health and Rural Sanitation.*

(1) Management of Primary Health Centres and Rural Dispensaries;

(2) Establishment and maintenance of Ayurvedic and Unani Dispensaries;

(3) School Health Services;

(4) Vaccination, Maternity and Child Welfare;

(5) Family Planning;

(6) Mid-day meals for school children;

(7) Establishment and control of shandies;

(8) Regulation of such fairs (including cattle fairs) and festivals as are entrusted to it by the Zilla Parishad;

(9) Prevention and control of epidemics;

(10) Promotion of the public health of the area.

VI. *Communications.*

(1) Construction and maintenance of inter-village roads;

(2) Assistance to Panchayats in the construction and maintenance of approach roads;

(3) Management of Public Ferries.

(4) Establishment, management and maintenance of travellers' bungalows, musafirkhanas, pravasi mandiras and rest houses.

VII. *Education including Social Education.*

(1) Establishment and maintenance of Secondary Schools;

(2) Preparing and implementing the programme of constructing buildings for Primary Schools;

(3) Assisting the educational activities of Village Panchayats and Town Panchayats;

(4) Enforcing of the law relating to compulsory primary education;

(5) Establishing and encouraging libraries, reading rooms and other cultural activities;

(6) Promotion of pre-primary education;

(7) Provision of equipment and playgrounds for primary schools;

(8) Establishment and encouraging institutions for rendering social services such as Youth Clubs, Women's Clubs and Farmers' Associations;

(9) Promotion of Adult Literacy;

(10) Organisation of Village Volunteer Force;

(11) Promotion of physical culture;

(12) Promoting children's activities.

VIII. *Industries.*

(1) Giving of grant-in-aid and loans to Co-operative Societies and individual craftsmen;

(2) Promotion and development of cottage and village industries;

(3) Measures to improve the skill of artisans;

(4) Measures to popularise improved implements;

(5) Implementation of schemes for the development of cottage industries, village and small-scale industries formulated by the State and All-India Boards.

IX. *Co-operation.*

Promotion and extension of the Co-operative movement.

X. *Welfare of Women and Children.*

(1) Implementation of schemes for women and children welfare and maintaining—

(*a*) Women and Children Welfare Centres;

(*b*) Education Centres ;
(*c*) Craft Centres ; and
(*d*) Tailoring Centres.,

XI. *Rural Housing.*

Rural Housing.

XII. *Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.*

(1) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and other Backward Classes ;

(2) Protecting such castes, tribes and classes from social injustice and all forms of exploitation ;

(3) Programme for Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes including giving assistance to individual cultivators in the form of loans and subsidies for the purchase of agricultural requisites ;

(4) Giving financial assistance to individual artisans in the form of loans and subsidies for cottage industries and professions ;

(5) Establishment of handicraft centres ;

(6) Starting of Community Centres and the maintenance of buildings ;

(7) Construction of residential schools ;

(8) Establishment of agricultural colonies for Scheduled Castes and Tribes ;

(9) Housing ;

(10) Sinking of wells and repairs to old wells ;

(11) Establishment and maintenance of hostels and schools for Scheduled Castes and Scheduled Tribes and other Backward Class students, including giving grants for construction and maintenance of hostels and supply of other aids to such institutions and schools but excluding hostels at the district level or for areas larger than a district ;

(12) Development of communications in the backward areas;

(13) Award of prizes to villages which do outstanding work in the upliftment of Scheduled Castes and Scheduled Tribes;

(14) Organisation of Training Camps.

XIII. *Minor Irrigation.*

(1) Construction, renovation and maintenance of minor irrigation works with an achkat of fifty acres and below;

(2) Construction, renovation and maintenance of minor irrigation works as an agent of the Zilla Parishad.

XIV. *Fisheries.*

Development of Fisheries in tanks vested in the Taluk Board for maintenance by the Zilla Parishad.

XV. *Rural Water Supply.*

(1) Construction and repair of public wells, tanks and water works;

(2) Supply of water from them and preservation from pollution of water for drinking and cooking purposes;

(3) Provision of water for fairs in rural areas.

XVI. *Miscellaneous.*

(1) Provision of emergency relief in case of distress due to drought, fire, floods and epidemics and other calamities.

(2) Such other functions as may be entrusted to it by the Zilla Parishad or Government, on such terms and conditions as may be determined by the Government.

174. Other Functions.—The Taluk Board may—

(1) with the previous sanction of the Chief Executive Officer, incur expenditure on medical, educational or charitable relief within or without its jurisdiction;

(2) make provision for carrying out within the Taluk of any work, scheme or project which is likely to promote the health, safety, education, comfort, convenience or social, economic or cultural well-being of the inhabitants of the taluk or part thereof, when it is resolved upon by the Taluk Board by the votes of not less than two-thirds of the total number of members of the Taluk Board;

(3) by a resolution supported by not less than two-thirds of the total number of members, contribute to the funds of organisations at the State, Inter-State or All-India level for promotion of Local Government or towards any exhibition, conference or seminar relating to functions of Panchayats, Taluk Boards and Zilla Parishads, within or without the Taluk, but within the district, provided that no expenditure exceeding one hundred rupees shall be incurred on any such contribution without the previous sanction of the Chief Executive Officer.

175. Power of Taluk Board to acquire and hold property, etc., to be subject to rules.—The power of every Taluk Board to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Act shall be subject to the rules made by the Government in this behalf:

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or

other transfer shall have been made with the previous sanction of the Government :

Provided also that nothing herein contained shall empower any Taluk Board to raise loans except as provided for in section 208.

176. Works constructed by Taluk Board to be vested in it.—Every road, building or other work constructed by a Taluk Board from the Taluk Board Fund shall be vested in such Board, except such portion of the road as may lie within the jurisdiction of a Municipal body or a Notified Area Committee.

177. Taluk Board may, with the consent of owners, take over and repair works.—A Taluk Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested, to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Taluk Board. Thereupon the property therein shall vest in the Taluk Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the Taluk Board Fund.

178. Government may place roads and other property under Taluk Board.—(1) It shall be lawful for the Government from time to time to direct by notification that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in the Government and which is situated within a Taluk, shall, with the consent of the Taluk Board of such Taluk, and subject to such exceptions and conditions as the Government may make and impose, be vested or be placed under the control and administration of the Taluk Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall vest in or be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Taluk Board under sub-section (1) on such terms as the Government may determine.

179. General powers of Taluk Board.—Subject to the provisions of this Act and the rules made thereunder and the provisions of any other law for the time being in force, a Taluk Board shall have power to do all acts necessary or incidental to the carrying out of the duties entrusted to it under sections 173 and 174.

180. Taluk Boards may undertake construction, repair and maintenance of works and buildings of Government or Zilla Parishad.—It shall be lawful for a Taluk Board to undertake, on behalf of the Government or the Zilla Parishad and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government or the Zilla Parishad :

Provided that the cost of such construction, repair and maintenance shall be borne by the Government or the Zilla Parishad, as the case may be.

181. Taluk Boards to assist Panchayats.—(1) Every Taluk Board shall render such technical assistance as may be available with it and as may be required by the Panchayats within the taluk free of cost. It shall be lawful for a Taluk Board to supplement works of development undertaken by a Panchayat within the Taluk by taking up schemes which are beyond the powers of the Panchayats to execute.

(2) A Taluk Board may also undertake a developmental programme for the common benefit of a group of contiguous Panchayats either on the request of the Panchayats concerned or on its own initiative with the consent of the Panchayats concerned.

(3) Where a Taluk Board proposes to undertake a developmental programme on its own initiative and one or

more Panchayats concerned do not agree to the execution of a programme, the Taluk Board may, with the sanction of the Chief Executive Officer undertake the execution of the programme and thereupon every panchayat concerned shall be liable to pay to the Taluk Board a *prorata* share of the expenditure incurred by the Taluk Board.

182. Powers to turn, divert, discontinue or close road.—(1) A Taluk Board may, with the sanction of the Chief Executive Officer, turn, divert, discontinue or permanently close any road which is under the control and administration of or is vested in the Taluk Board.

(2) Before taking action under sub-section (1) the Taluk Board shall publish in such manner as may be prescribed a notice of its proposal inviting objections and shall take into consideration any objections received.

183. Control of unwieldy traffic.—It shall be lawful for a Taluk Board, subject to the provisions of the Mysore Traffic Control Act, 1960, and to such rules as may be prescribed and to the regulations framed by the Taluk Board, to notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a licence issued by the Taluk Development Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

184. Regulation of certain trades.—Subject to the provisions of sections 71, 72 and 73, it shall be lawful for a Taluk Board to notify that no place within the area under its authority shall after sixty days from the date of such notification, be used for any one or more of the purposes

or trades specified in Schedule II without a licence from the Taluk Development Officer and except in accordance with the conditions specified therein.

185. Grant of licences.—(1) All applications for licences to be granted by the Taluk Board may be disposed of by the Taluk Development Officer who may suspend or cancel a licence for default of any of the conditions specified therein. When a licence is granted, refused, suspended or cancelled by the Taluk Development Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

(2) A licence referred to in sub-section (1) may be granted on payment in advance of such fees as may be prescribed.

(3) Whoever keeps open or uses, without a licence or in contravention of any of the conditions of the licence or when a licence is suspended or cancelled, any place for any purpose for which a licence is required shall, if not punishable under any other section of this Act, be punished on conviction, with a fine which many extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the Magistrate.

186. Power to enter and inspect buildings, etc.—The Taluk Development Officer, or any person authorised by the Taluk Board in this behalf, may at any time between sunrise and sunset, or giving notice in the manner provided in section 407, enter into and inspect all buildings and lands and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state on grounds of public health.

187. Filthy buildings, etc.—Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy or

unwholesome state, or, in the opinion of the Taluk Board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorized by the Taluk Board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall, on conviction, be punished with fine which may extend to twenty-five rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

188. Powers and duties with regard to sources of water supply.—The Taluk Development Officer or any officer authorised by the Taluk Board in this behalf may at any time by written notice require that the owner of or any person who has control over any well, stream, channel, tank, or other source of water supply shall, whether it is private property or not,

(*a*) if the water is used for drinking—

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(iii) in such matters as the Board directs protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such source of water supply which, not being a stream in its natural flow, is in the opinion of the Board, unfit for drinking, or

(v) if, notwithstanding any such notice under sub-clause (iv) such use continues and cannot, in the opinion of the Board, be otherwise preven-

or fill up or enclose or fence in such manner as the Board considers sufficient to prevent such use, such source of supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Board considers is injurious to health or offensive to the neighbourhood;

(*b*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Board may direct or approve, any such source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is, in the opinion of the Board, dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

189. Remedy for non-compliance with directions issued.—If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 188, the Taluk Board may, and, if in the opinion of the Taluk Development Officer immediate action is necessary to protect the health or safety of any person, shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX:

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the Taluk Board so directs, be paid from the portion of the Taluk Board fund at the disposal of the Board.

190. Power to set apart public springs, etc., for certain purposes.—The Taluk Board may by public notice, which shall be put up at the spring, tank, well or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water sources for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

191. Power to prohibit use of water from certain sources.—The Taluk Board may, during epidemics, on receipt of a certificate from any medical officer in the employ of the Taluk Board, Zilla Parishad or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply stating the number of days during which such prohibition shall last. The Taluk Board may from time to time extend or modify the period of prohibition without the production of a further certificate.

192. Penalty for using water for certain purposes.—Whoever—

(*a*) bathes in or defiles the water in any place set apart for drinking purposes by the Board, or, in the case of private property, by the owner thereof, or

(*b*) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or

(*c*) washes clothing in any place set apart as aforesaid for drinking or bathing, or

(*d*) washes any animal or any cooking utensils or wood, skins or other foul or offensive substance, or deposits

any offensive or deleterious matter in any place set apart as aforesaid for drinking puiposes or for bathing or for washing clothes, or

(*e*) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(*f*) uses water from any source in contravention of the provisions of section 191,

shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

193. Abatement of nuisance from foul water.— When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise shall appear to the Taluk Development Officer to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Taluk Development Officer may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measure as shall, in his, opinion be necessary to abate or remove the nuisance.

194. Closing of places for the disposal of the dead.— (1) If the Taluk Board is of opinion that any place in the taluk which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may forward its opinion, with the reasons therefor to the Chief Executive Officer. The Chief Executive Officer may, thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification shall be published in the local newspapers, if any, and shall be pasted up at the Taluk Board Office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set apart for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall, on conviction, be punished with fine which may extend to one hundred rupees.

195. Power of entry into buildings, etc., where infectious disease exists.—The Taluk Development Officer or any person authorised by the Board in this behalf, may enter at any time after reasonable notice, any building or premises in which any infectious disease is reported or suspected to exist for the purpose of inspecting such building or premises. No such inspection shall be made except between sunrise and sunset.

196. Disinfection of building, etc.—If the Taluk Development Officer is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice :

Provided that if the Taluk Development Officer considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises ; and the expenses incurred under this section shall be recoverable in the manner provided in Chapter IX from the said owner

or occupier unless he was, by reason of poverty, unable effectually to comply with the requisition.

197. **Articles exposed to infection.**—(1) The Taluk Development Officer shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous or infectious disease may be washed or disinfected.

(2) The Taluk Development Officer may direct the destruction of clothing, bedding or other articles likely to retain such infection.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1), shall, on conviction, be punished with fine which may extend to fifty rupees.

198. **Obstructions and encroachments upon public roads, land or building.**—(1) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of, a Taluk Board, shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall, on conviction, be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day during which such encroachment or obstruction continues after the date of the first conviction.

(2) The Taluk Development Officer shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX:

Provided that, before proceeding to remove any such obstruction or encroachment the Taluk Development Officer

shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a Taluk Board from allowing any temporary occupation of or erections on any public road which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than fifteen days and in such manner as not to inconvenience the public or any individual.

(4) Notwithstanding anything contained in section 175, it shall be competent to a Taluk Board to lease or to permit a temporary use of land forming part of a public road when such land is not, in the opinion of the Taluk Board, required for a public road or for any other of the purposes of Taluk Board, for a period not exceeding seven years :

Provided that, if the lease or permit does not exceed one year, the previous sanction of the Chief Executive Officer and if the lease or permit exceeds one year but does not exceed seven years, the previous sanction of the Commissioner shall have been obtained to such lease or permit.

CHAPTER IX

PROPERTY AND FINANCE

199. Taluk Board Fund, its custody and investment.— (1) There shall be for each taluk a fund called the Taluk Board Fund which shall be administered by the Taluk Board of the Taluk.

(2) The amount at the credit of the Taluk Board Fund shall be kept in the Government Treasury of the Taluk.

(3) It shall be lawful for a Taluk Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Scheduled Bank or Co-operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, invest such funds in securities of the Government of India, or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with like sanction.

200. Composition of Taluk Board Fund.—The following shall form part of, or be paid into, the Taluk Board Fund, namely :—

(i) such portion of the balance of the funds of the District Board of the district as the Government may allot to the Taluk Board concerned ;

(ii) all rates, cesses, fees and penalties paid to or levied by or on behalf of the Taluk Board under this Act, and all fines referred to in sub-section (2) of section 398 ;

(iii) all rents from lands or other properties of the Taluk Board ;

(iv) such amounts as are distributed to the Taluk Board out of the provision in the State budget for the implementation of the Community Development Programme ;

(v) all interest, profits and other moneys accruing by gifts, grants, assignments or transfers from the Government or private individuals or otherwise ;

(vi) all proceeds of land and other property sold by the Taluk Board including sale proceeds of grass and produce of trees not vested in private individuals on the sides of roads and on other public grounds under the control and administration of the Taluk Board and timber fallen or felled therefrom ; and

(vii) all sums received by or on behalf of the Taluk Board by virtue of this or any other law.

201. Duty on transfers of immoveable property.— (1) A duty on transfers of immoveable property in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1957, shall be levied on instruments of sale, gift, mortgage, exchange and lease in perpetuity, of immoveable property situated within the limits of the Taluk Board at two per cent on, as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of the rent for the first ten years in the case of a lease, as set forth in the instrument :

Provided that no such duty is leviable in respect of mortgage where the amount secured by a mortgage does not exceed rupees two thousand.

(2) On the introduction of the transfer duty—

(*a*) section 28 of the Mysore Stamp Act, 1957, shall be read as if it specifically required the particulars to be set forth separately in respect of the property situated within and without the area under the jurisdiction of the Taluk Board ;

(*b*) section 61 of the same Act shall be read as if it referred to the Taluk Board as well as the Government.

(3) The Government may make rules for regulating the collection of the transfer duty, the payment thereof to the Taluk Board and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No transfer duty shall be chargeable—

(i) in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under sub-section (1) in respect of such instrument, or

(ii) in respect of any instrument exempted from stamp duty by or under the Mysore Stamp Act, 1957 or other law for the time being in force

202. **Additional local cess.**—(1) A Taluk Board may, in addition to the local cess levied under sub-section (1) of section 274 of this Act by the Government, levy in such manner as may be prescribed and subject to the sanction of the Government, an additional local cess not exceeding ten paise in the rupee on land revenue.

(2) The cess shall be levied and collected in the same manner as is specified in sub-section (3) of section 274 and the entire proceeds of the cess collected within the area of the Taluk Board shall be made over to Taluk Board by the Government.

(3) The Government shall make a grant to every Taluk Board which levies the additonal local cess under sub-section (1) of such percentage of such amount as may be determined by the Government from time to time.

203. **Grant by Government.**—(1) The Government shall make annually a grant to every Taluk Board of an amount equal to thirty per cent of the land revenue collection of the Taluk.

(2) If the amount of land revenue payable to a Taluk Board under sub-section (1) is found to be less than the amount arrived at on the basis of one rupee *per capita* of the rural population of the Taluk as ascertained during the last preceding census then the Government shall pay to that Taluk Board a grant equal to the difference between the amount arrived at on a *per capita* basis and the amount paid to the Taluk Board under sub-section (1).

(3) Land revenue collection of the Taluk for the purpose of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the taluk for a period of three years preceding the date of such determination;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

(4) The amounts granted and assigned to a Taluk Board under sub-sections (1) and (2) shall be credited to the Taluk Board Fund at such times and in such manner as may be prescribed.

204. Application of Taluk Board Fund and Property.— The Taluk Board Fund and all property held by or vested in the Taluk Board under this Act, shall be applied subject to the provisions of this Act, for the payment of—

(*a*) salary and allowance to the President and Vice-President and travelling and daily allowance to the President and Vice-President for tours outside the taluk and travelling and daily allowance to the members of the Taluk Board or any committee thereof, subject to such rules as may be made in this behalf by the Government ;

(*b*) the salaries, allowances, pensions and gratuities of the officers and servants appointed by the Taluk Board and of officers and servants of the Government deputed for work under the Taluk Board ;

(*c*) any amounts falling due on any loans contracted by the Board ;

(*d*) expenses incurred—

(i) for holding elections to the Taluk Board under this Act ;

(ii) for the purposes specified in this Act ; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the Taluk Board or its committees or its President ; and

(iv) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in the public interest :

Provided that any funds granted to the Taluk Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

205. **Rents and Fees.**—Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Taluk Board may charge fees for any licence or permission issued under this Act and levy rents and fees for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Taluk Board Fund.

206. **Agency for collection.**—The tax, fee or other amount payable to the Taluk Board shall be collected by such agency as the Taluk Board appoints in this behalf with the approval of the Commissioner, provided that it shall be lawful for a Taluk Board to lease the right to levy any fee that may be imposed under this Act by public auction, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this Chapter.

207. **Power to expel persons who refuse to pay fees.**—When any fees has been imposed under section 205 or any other provision or the right to collect it has been leased under section 206, any person employed by the Taluk Board or by the lessee to collect such fees may, subject to the

conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

208. **Taluk Board may raise loans and may form a sinking fund.**—A Taluk Board may with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

209. **Power to make grants-in-aid.**—Subject to such rules as may be prescribed, a Taluk Board may make grants-in-aid to any medical, educational or charitable institution or such other purpose as may be approved by the Government within or without the area under its authority.

210. **Arrangement purporting to be binding permanently or for a term of years.**—When a Taluk Board has entered into any arrangement, or made any promise, purporting to bind itself for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the Taluk Board fund, it shall be lawful for the Taluk Board with the sanction of the Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

211. **Prohibition of expenditure not covered by the budget.**—Except as hereinafter provided, no payment of any sum shall be made out of the Taluk Board Fund unless the expenditure of the same is covered by a budget grant, except in the following cases, namely :—

(*a*) refunds of taxes and other moneys which the Taluk Board is authorised to make under this Act or the rules or regulations made thereunder,

(*b*) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Taluk Board Fund by mistake ;

(*c*) sums which the Taluk Board is required or empowered by this Act to pay by way of compensation;

(*d*) every sum payable—

(i) under this Act by order of the Chief Executive Officer, Deputy Commissioner, or Commissioner or Government,

(ii) under a decree or order of a Civil Court; and

(iii) under a compromise of any suit or other legal proceedings or claim;

(*e*) all contributions payable by the Taluk Board to the Government for the maintenance of water supply, of dispensaries and other institutions or services managed by the Government on behalf of the Taluk Board or on behalf of any other local authority or authorities.

(*f*) expenditure in an emergency such as an outbreak of epidemic or accidents due to fire or scarcity conditions due to drought subject to such rules as may be prescribed.

212. Presentation of Budget and Accounts.—(1) The Standing Committee shall cause to be prepared and laid before the Taluk Board at its ordinary meetings complete accounts of the receipts and expenditure of the Taluk Board since the first day of April last preceding and at a meeting, which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the Taluk Board for the official year to commence the first day of April next following.

(2) The Taluk Board shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Taluk Board shall be sent for approval to the Chief Executive Officer before such date as may be fixed by the Government.

If the budget is not returned by the Chief Executive Officer within two months of the receipt thereof by him, the budget shall be deemed to have been approved.

(3) In such budget estimate, the Taluk Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fufilment of the several duties imposed on the Taluk Board by this Act or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the Taluk Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government of all contributions for the maintenance of water-supply of dispensaries and other institutions or services managed by the Government on behalf of the Taluk Board or on behalf of any other local authority or authorities ;

(*d*) provide a sum equal to not less than two and a half per cent of the income of the Taluk Board exclusive of the Government grants and assignments for specific purposes for the welfare of Scheduled Castes and Tribes and other backward classes.

(*e*) allow for a balance at the end of said year of not less than such sum as may, from time to time, be fixed by the Government either generally for all Taluk Boards or specially for any Taluk Board.

(4) If the budget fails to make adequate provision for the performance of the duties of the Taluk Board and is not otherwise in conformity with this Act, the Chief Executive Officer may, modify any part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

(5) If a Taluk Board fails to approve the budget and send it to the Chief Executive Officer before the date fixed under sub-section (2), the Taluk Development Officer shall send the budget to the Chief Executive Officer and the Chief Executive Officer shall, subject to the provisions of sub-sections (3) and (4) approve it with or without modification. The budget so approved by the Chief Executive Officer shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Taluk Board.

213. Revision of Budget.—If, in the course of the official year, the Taluk Board finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modification :

Provided that, without the approval of the Chief Executive Officer—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 212 ;

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*c*) of sub-section (3) of section 212.

214. Maintenance of accounts and restrictions on expenditure.—(1) Accounts of the income and expenditure of the Taluk Board Fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Taluk Board Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such restrictions, conditions and limitations as may be prescribed.

(3) The Taluk Board, shall, at the first ordinary meeting held after the close of the offical year pass the accounts of that year.

215 Transmission of accounts.—The Taluk Board shall, as soon as the annual accounts have been passed by it, transmit to the Chief Executive Officer an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Commissioner may from time to time, direct.

216. Power to write off irrecoverable sums.—Subject to such restrictions and control as may be prescribed, a Taluk Board may write off any sum due to it,

whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion, such sum is irrecoverable :

Provided that no sum exceeding five hundred rupees shall be written off except with the previous sanction of the Commissoner.

217. Audit of accounts.—(1) The accounts of the Taluk Board Fund shall, from time to time, and at least once in every year be audited in such manner as may be prescribed by such one of the officers as may be authorised by the Government to audit the accounts of Taluk Boards (hereinafter referred to as the auditor) and with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the Taluk Board.

(2) The auditor or auditors shall, for the purposes of audit have access to all the accounts and other records of the Taluk Board.

(3) The Taluk Board shall pay from the Taluk Board Fund such charges for the audit as may be agreed upon between the Board and the auditor and in the case of a Government auditor, such charges as may be prescribed by the Government.

218. Powers of Government auditor, etc.—(1) The Government auditor may—

(*a*) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit ;

(*b*) require in writing any person accountable for or having the custody or control of any such vouchers, statements, returns, correspondence, notes or documents, or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the Taluk Board to appear in person before him ;

(*c*) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement ;

(*d*) in the event of an explanation being required from the President or other honorary officer or member of the Taluk Board, in writing invite such person to meet him and shall in writing specify the point on which his explanation is required.

(2) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees :

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

219. Duties of Government auditor.—(1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee of the Taluk Board a report upon the audit of the Taluk Board Fund Accounts;

(*b*) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the Taluk Board or in the Taluk Board Fund accounts ; and

(*c*) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the Taluk Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

220. Disallowance by Government auditor and order by Commissioner.—(1) The Government auditor shall disallow every item of payment contrary to law and report the same to the Commissioner with particulars as regards the person making or authorising the making of such payment.

(2) The Commissioner may on the report of the auditor or on his own motion and after taking the explanation of the person concerned or making such further enquiry as he may consider necessary, charge any person responsible therefor the amount disallowed under sub-section (1) or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall in writing state the reasons for his decision in respect of every charge and send a copy thereof to the person against whom it is made.

221. Appeal against the order.—Any person aggrieved by the order of the Commissioner under section 220 may, within thirty days of the receipt by him of a copy of the decision of the Commissioner, either—

(*a*) apply to the Court of the Civil Judge to set aside such order; and the court, after taking such evidence as it considers necessary, may confirm, modify or remit such charge, and make such orders as to costs as it deems proper in the circumstances; or

(*b*) in lieu of such application, appeal to the Government which shall pass such orders as it thinks fit.

222. Recovery of amounts disallowed.—(1) Every sum certified by the Commissioner to be due from any person under sub-section (2) of section 220 shall be paid by such person to the Taluk Board within thirty days from the date of the receipt by him of a copy of the decision,

unless within that time such person has applied to the court or appealed to the Government as provided in section 221.

(2) Such sum, if not duly paid, or such sum as the court or the Government shall declare to be due under section 221, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expense of such recovery and shall be credited to the Taluk Board Fund.

223. **Procedure for recovery of dues.**—(1) When any sum payable on demand—

(*a*) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which is claimable as a fee or other amount due to the Taluk Board under this Act, or under any rule or regulation made thereunde

shall have become payable and remains unpaid for fifteen days after the same is due, the Taluk Development Officer or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer) may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Taluk Development Officer why the same should not be paid, the Taluk Development Officer or the authorised officer may recover such sum, with all costs, by distraint and sale of the moveable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2) the Taluk Development Officer or the authorised officer shall issue a warrant in the prescribed form and a warrant fee of twelve paise shall be leviable for each such warrant.

(4) The Taluk Development Officer or the authorised officer shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Taluk Development Officer or the authorised officer shall give or cause to be given to every person making payment of a tax, fee, or other amount due, a receipt therefor signed by him. Such receipt shall specify—

(*a*) the date of the payment thereof,

(*b*) the name of the person by whom it is paid,

(*c*) the tax, fee, or other amount due in respect of which the payment has been made,

(*d*) the period for which the payment has been made, and

(*e*) the amount in respect of which it is granted.

224. Conditions of distraint and sale.—(1) Whenever, under section 223, any property is distrained, seized or sold in consequence of the non-payment of any tax, fee, or other amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following subsections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908, exempt from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the value of the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the tax, fee or other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natural decay, or if in the opinion of the person seizing the property, the expense of keeping it in custody together with

the amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount of the tax, fee, or other amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to moveable property distrained under section 223, the Taluk Development Officer shall after a summary enquiry held after giving reasonable notice to the claimant admit or reject the claim. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

PART IV—ZILLA PARISHADS

CHAPTER X

Constitution of Zilla Parishads

225. Constitution of Districts.—(1) For purposes of this chapter, district means such local area as the Government may by notification specify, and where no local area is so specified, the district constituted or deemed to be constituted as such under the Mysore Land Revenue Act, 1964.

(2) Where under a notification issued under sub-section (1), any district comprises only a part of a revenue district or two or more revenue districts or parts of two or

more such districts the Government shall in the notification declare which officer of any revenue district shall be the Deputy Commissioner of that district for purposes of this Act.

226. **Establishment of Zilla Parishads and their incorporation.**—(1) For each district, notified under section 225 there shall be a Zilla Parishad having jurisdiction save as otherwise provided in this Act over the entire district excluding such portions of the district as are included in a Municipality or are under the authority of a Municipal Corporation, Sanitary Board or a Town Area Committee, Town Board, a Notified Area Committee or a Cantonment constituted under any law for the time being in force.

(2) Every Zilla Parishad shall be a body corporate by the name of " ..... Zilla Parishad ", shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is consitituted.

227. **Composition of Zilla Parishads.**—(1) Every Zilla Parishad shall consist of—

(*a*) * * * elected members as is determined * * * under Section 226; and

(*b*) the Presidents of the Taluk Boards in the district who shall be *ex-officio* members.

(2) (i) The Chairman or President of the District Central Co-operative Bank and the Chairman or President of the District Industrial Co-operative Bank shall be associate members of the Zilla Parishad.

(ii) An associate member shall be entitled to take part in the proceedings of a Zilla Parishad but shall not have the right of vote. He shall not be entitled to hold the office of Adhyaksha, or Upadhyaksha.

(3) (*a*).—Subject to the provisions of clause (*b*), the members of the House of the People and the State Legislative Assembly and the State Legislative Council representing a part or whole of a district whose constituencies lie within the jurisdiction of the Zilla Parishad and the members of the Council of States and the State Legislative Council not elected from territorial constituencies ordinarily resident in the district shall be entitled to take part in the proceedings of and to vote at the meetings of the Zilla Parishad.

(*b*) The members of the House of the People, the Council of States, the State Legislative Assembly and the Legislative Council referred to in clause (*a*) shall have the rights and be subject to the liabilities of the members of the Zilla Parishad except the right to hold the office of the Adhyaksha, or Upadhyaksha.

228. Elected Members.—The elected members of the Zilla Parishad shall consist of persons elected from the Taluks in the district, the number of members to be elected from each taluk being as specified in the following table :—

Population	*No. of members*
1. Where the population of a taluk is not more than 50,000	one
2. Where the population of a taluk is more than 50,000, but not more than 1,25,000 ..	two
3. Where the population of a taluk is more than 1,25,000, but not more than 2,00,000 ..	three
4. Where the population of a taluk is more than 2,00,000	Four

Explanation.—Population for purposes of this section and sections 223 and 224, shall be the population of the district as determined at the last preceding census of which the relevant figures are published excluding such portions of it as are included in a Municipality or are under the authority of a Municipal Corporation, Sanitary Board, Town Area Committee, Notified Area Committee, or Cantonment Board.

229. Representation for women.—Seats not exceeding two shall be reserved for women in each Zilla Parishad, the number being one if the number of elected members is less than twenty and two if it is not less than twenty.

230. Representation for Scheduled Castes and Tribes.—Seats shall be reserved in a Zilla Parishad for the Scheduled Castes and Tribes the number of such seats bearing as nearly as may be the same proportion to the total number of elected seats in the Zilla Parishad as the population of the Scheduled Castes and Tribes in the district bears to the total population of the district :

Provided that this section shall cease to have effect after the period specified in article 334 of the Constitution :

Provided further that the preceding proviso shall not affect any representation in a Zilla Parishad until the expiry of the term of office of its members.

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231. Delimitation of territorial constituencies.—(1) Subject to the provisions of sub-section (2), the Government shall by notification determine—

(*a*) the constituencies into which the area within the jurisdiction of every Zilla Parishad shall be divided for the purposes of election to such Zilla Parishad ;

(*b*) the extent of each constituency which shall be a taluk or part of a taluk ; and

(*c*) the number of seat or seats allotted to each constituency, which shall be one or two, indicating the number reserved for Scheduled Castes and Tribes or women in each constituency.

(2) Where a taluk is formed into two or more territorial constituencies, the ratio between the number of members to be elected from each territorial constituency in that taluk * * and the population of the constituency * * * * shall, so far as practicable, be the same throughout the taluk.

232. **List of Voters.**—The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any Zilla Parishad constituency shall, for the purposes of this Act, be deemed to be the list of voters for such Zilla Parishad constituency. The Chief Executive Officer of the Zilla Parishad shall maintain in the prescribed manner a list of voters for each Zilla Parishad constituency.

Explanation.—For the purposes of this section, electoral roll shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950) for the time being in force.

233. **Qualifications of candidates.**—(1) Subject to the provisions of sub-section (2), a person shall not be qualified to be chosen to fill a seat in any Zilla Parishad unless he is a citizen of India and is not less than twenty-five years of age.

(2) A person shall not be qualified to be chosen to fill a seat in a Zilla Parishad unless his name is included in the electoral roll of the Mysore Legislative Assembly for the time being in force in the district.

(3) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Zilla Parishad unless,

(i) in the case of a seat reserved for the Scheduled Castes and Tribes, such person is a member of those castes or tribes ; and

(ii) in the case of a seat reserved for women, such person is a woman.

234. **Disqualification of Candidates.**—(1) A person shall be disqualified for being chosen as a member of a Zilla Parishad—

(*a*) if he has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months such sentence not having been subsequently reversed, or remitted, or

(*b*) if an order has been passed against him under section 118 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) if he has been dismissed from Government service or service under any local authority, or

(*d*) if, having been a legal practitioner, he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension, or

(*e*) if he is an undischarged insolvent, or

(*f*) if he is of unsound mind and stands so declared by a competent court, or

(*g*) if he has been removed from membership of any local authority, or

(*h*) if he holds any office of profit under the Government of India, or the Government of Mysore or the Government of any other State in India or of any local or other authority, subject to the control of any of the said Governments, other than such offices as are declared by rules made under this Act not to disqualify the holder, or

(*i*) if save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of the Zilla Parishad, or in any contract or employment with, or under or by, or on behalf of the Zilla Parishad, or

(*j*) if he is employed as paid legal practitioner on behalf of the Zilla Parishad or accepts employment as legal practitioner against the Zilla Parishad :

(*k*) if he is a member of the House of the People, Council of States, the State Legislative Assembly or the State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a member of a Sanitary Board, Town Board, Town Area Committee or Notified Area Committee or Cantonment Board ;

Provided that—

(*a*) the disqualification in clause (*b*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in clause (*a*), (*c*) or (*d*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, disenrolment or removal ;

(*c*) disqualification in clause (*g*) will cease to operate after the expiry of five years from the date of such removal ;

(*d*) a person shall not be deemed to have incurred disqualification under clause (*i*) by reason of his—

(i) having a share in any joint-stock company or a share or interest in any association registered under the Societies' Registration Act, or in any co-operative society which shall contract with or be employed by or on behalf of the Zilla Parishad, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Zilla Parishad is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Zilla Parishad.

235. Disqualification of Members.—(1) If any member of a Zilla Parishad.—

(*a*) becomes subject to any of the disqualification specified in section 234, or

(*b*) votes or takes part as a member in the discussion or any matter in which he has directly or indirectly any such share or interest as is described in sub-clause (i) or (ii) of clause (*d*) of the proviso to section 234 or

(*c*) votes on or takes part in the discussion of any question in contravention of the provisions of clause (*g*) of sub-section (2) of section 251, or

(*d*) absents himself, from more than two consecutive ordinary meetings of the Zilla Parishad unless leave so to absent himself, which shall not exceed six months, had been granted by the Parishad, or absents himself for over three consecutive months from the meeting of the Zilla Parishad, his seat shall thereupon become vacant :

Provided that where an application is made by a member to the Zilla Parishad for leave to absent himself under clause (*d*) and the Parishad fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Parishad.

(2) The Commissioner either *suo motu* or on a report made to him and after giving a reasonable opportunity to the member concerned to be heard shall declare the seat of the person concerned to be vacant.

236. Method of Voting and procedure for election.—(1) Every elector shall have as many votes as there are members to be elected * * and every elector shall give all the votes which he is entitled to give. No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Zilla Parishad shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 shall apply in respect of elections to Zilla Parishads as they apply in respect of elections to Panchayats.

237. **Prohibition of simultaneous membership.**— (1) If a person is elected by more than one Zilla Parishad constituency, he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other prescribed officer, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1) the Deputy Commissioner shall determine by lot and notify the constituency which such person shall serve ;

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

238. **Determination of the Validity of Election.**—

(1) * * * *

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* * The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall apply *mutatis mutandis* for determination of the validity of electors to Zilla Parishads, the application being to the Civil Judge having jurisdiction

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* * * * and the deposit as security for costs being two hundred rupees.

(2) * * * *

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(2) Any person aggrieved by any decision or order of the Civil Judge under this section may within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final.

239. Publication of names of members.—The names of all members elected to any Zilla Parishad shall be reported to the Government which shall notify the names in the official gazette.

240. Term of office of members.—Except as is otherwise provided in this Act, members of a Zilla Parshad elected at a general election shall hold office for a term of five years :

Provided that the Government may, by notification for reasons to be stated therein extend the term of office of all the members by such period or periods so that the total period so extended shall not exceed one year :

Provided further that persons who are members by virtue of clause (*b*) of sub-section (1) or sub-section (2) of section 227 shall hold office only so long as they continue to be Presidents of the Taluk Boards or President or Chairman of the Bank or Society concerned.

241. **Commencement of term of office of members.**—The term of office of members elected at a general election under clause (*a*) of sub-section (1) of section 227 shall commence on the day immediately after the date of the expiry of the term of office of the outgoing members of the Zilla Parishad or on the date of publication of their names under section 239 whichever is later.

242. **Resignation of members.**—A member of Zilla Parishad may resign his membership in writing under his hand addressed to the Adhyaksha of the Zilla Parishad and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

243. **Removal of members for misconduct.**—The Government, if it thinks fit on the recommendation of the Zilla Parishad, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties a member.

244. **Casual vacancies how to be filled up.**—A casual vacancy of a member of a Zilla Parishad shall be filled up as soon as conveniently may be by the election of a person thereto, who shall hold office so long only as the member in whose place he is elected would have held office if the vacancy had not occurred.

245. **Election of Adhyaksha, Upadhyaksha and term of office.**—(1) Every Zilla Parishad shall, as soon as may be, choose two members of the Zilla Parishad elected under clause (*a*) of sub-section (1) of section 227 to be respectively Adhyaksha and Upadhyaksha thereof, and so often there is a casual vacancy in the office of Adhyaksha or

Upadhyaksha, the Zilla Parishad shall choose another member to be Adhyaksha or Upadhyaksha as the case may be:

Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) Save as otherwise provided in this Act, an Adhyaksha or Upadhyaksha shall hold office for the term of office of the members of the Zilla Parishad.

Provided that notwithstanding the expiry of his term an Adhyaksha or Upadhyaksha shall continue in office until the election of the next Adhyaksha or Upadhyaksha.

(3) No person who is a Chairman or Vice-Chairman of a Panchayat or a President or Vice-President of a Taluk Board shall be chosen as an Adhyaksha or Upadhyaksha.

(4) The election of the Adhyaksha or the Upadhyaksha of a Zilla Parishad and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed:

Provided that the authority to determine such election disputes shall be the Civil Judge having jurisdiction.

246. Salary, allowance and leave of absence to the Adhyaksha and Upadhyaksha :—(1) The Zilla Parishad shall pay to the Adhyaksha a salary of five hundred rupees per month and to the Upadhyaksha a salary of two hundred and fifty rupees per month;

(2) The Zilla Parishad shall, in addition pay to the Adhyaksha a house rent allowance of one hundred rupees per month;

(3) The Adhyaksha and the Upadhyaksha shall not be entitled to travelling and daily allowances for tours within the district;

(4) An Adhyaksha may take leave for a period not exceeding thirty days in a year after intimating the Upadhyaksha and the Chief Executive Officer and he may be granted leave of absence for a period exceeding thirty days

and not exceeding ninety days in a year in the aggregate by the Government, but no leave exceeding ninety days in any one year shall be granted ;

Provided that on grounds of illness duly certified by a Medcal Officer approved by the Government leave exceeding ninety days but not exceeding one hundred and eighty days in a year may be granted by the Government ;

(5) The Adhyaksha shall not be entitled to any salary or allowance during any period of absence exceeding ten days at a time. The salary and allowance during such period of absence shall be paid to the Upadhyaksha performing the functions of the Adhyaksha ;

(6) An Upadhyaksha may take leave for a period not exceeding thirty days in a year after intimating the Adhyaksha and the Chief Executive Officer and he may be granted leave of absence for a period not exceeding one hundred and twenty days, in a year in the aggregate by the Zilla Parishad ;

(7) Whenever leave is granted to the Upadhyaksha or when the Upadhyaksha is performing the duties of the Adhyaksha who is absent for a period exceeding thirty days at a time, the Zilla Parishad shall elect a member to perform the functions of the Upadhyaksha, for the period of his absence ;

(8) The salary payable to the Upadhyaksha shall be paid to the member elected as Upadhyaksha ;

(9) During a vacancy in the office of Adhyaksha and when there is no Upadhyaksha to take his place or if the Upadhyaksha fails to assume charge of the office of Adhyaksha, the Commissioner shall nominate a member to function as the Adhyaksha and such person shall, notwithstanding anything contained in this Act, perform such functions until an Adhyaksha is duly elected.

247. Resignation or removal of Adhyaksha and Upadhyaksha.—(1) A member holding office as Adhyaksha * * * * may resign his office at any time by writing

under his hand addressed to the Deputy Commissioner of the district and the Upadhyaksha may resign his office at any time by writing under his hand addressed to the Adhyaksha and the office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the said Deputy Commissioner or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha shall vacate office if he ceases to be a member of the Zilla Parishad.

(3) Every Adhyaksha and every Upadhyaksha shall be removed from office by the Government if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the total number of members of the Zilla Parishad at a meeting specially convened for the purpose.

(4) Every Adhyaksha and Upadhyaksha shall, after an opportunity is afforded for hearing him, be removable from his office as such Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties, or for being persistently remiss in the discharge of his duties, and an Adhyaksha or Upadhyaksha so removed shall not be eligible for re-election during the term of office of the members of such Zilla Parishad.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from membership of the Zilla Parishad.

248. Suspension of Adhyaksha or Upadhyaksha.— (1) The Government may suspend from office an Adhyaksha or Upadhyaksha of a Zilla Parishad * * * who has been detained in prison for not less than a month during trial under the provisions of any law for the time being in force.

(2) Where an Adhyaksha or Upadhyaksha has been suspended under sub-section (1), another member of the Zilla Parishad shall be elected to perform all the duties and exercise all the powers of the Adhyaksha or Upadhyaksha during the period for which such suspension continues :

Provided that when the period of suspension is for less than one month, the Adhyaksha or the Upadhyaksha shall, as the case may be, perform the functions of the Upadhyaksha or Adhyaksha, who is suspended.

CHAPTER XI

Conduct of Business

249. Powers and duties of Adhyaksha.—(1) The Adhyaksha of a Zilla Parishad shall,—

(*a*) convene, preside over and conduct meetings of the Zilla Parishad ;

(*b*) have access to the records of the Zilla Parishad ;

(*c*) discharge the duties imposed and exercise all powers conferred on him by or under this Act ;

(*d*) watch over the financial and executive administration of the Zilla Parishad and submit to the Parishad such questions connected therewith which shall appear to him to require its orders ; and

(*e*) exercise administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Parishad and of any committee thereof.

(2) The Adyaksha may, if in his opinion the immediate execution of any work or the doing of any act which requires the sanction of the Zilla Parishad or any committee thereof is necessary in the public interest, direct the execution of such work or the doing of the act and shall report the action taken to the Zilla Parishad at its next meeting

250. Powers and duties of the Upadhyaksha.— The Upadhyaksha of the Zilla Parishad shall—

(*a*) in the absence of the Adhyaksha preside over the meeting of the Parishad;

(*b*) exercise such of the powers and perform such of the duties of the Adyaksha as the Adyaksha from time to time may, subject to the rules made by the Government in this behalf, delegate to him by an order in writing; and

(*c*) exercise the powers and perform the duties of the Adhyaksha pending the election of the Adhyaksha or during the absence of the Adhyaksha on leave.

251. Meetings of Zilla Parishads.—(1) A Zilla Parishad shall hold a meeting for the transaction of business once in every two months (hereinafter in this section called the ordinary meeting) and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act, or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat.

Every meeting of the Zilla Parishad shall ordinarily be held at the Headquarters of the Zilla Parishad.

(2)(*a*) The date of the first meeting of the Zilla Parishad after the first constitution, or re-constitution, shall be fixed by the Deputy Commissioner, who shall preside at such meeting, and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Parishad, provided that the Adhyaksha may for sufficient reasons, alter the day of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting

is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one third of the total number of members may call the special meeting for a day not more than thirty days after the presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(*b*) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and associate members and posted up at the Parishad office. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the total number of members of the Zilla Parishad shall form a quorum for transacting business at a meeting of the Parishad. If, at the time appointed for the meeting * * * a quorum is not present, the presiding authority shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting ; but if within such period there is no quorum, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting at which there is a quorum the business which would have been brought before the original meeting shall be transacted.

(*d*) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Parishad should be held in private. The said authority may at any time, cause any member of the public who interrupts the proceedings to be removed.

(*e*) Every meeting shall be presided over by the Adhyaksha, or, if he is absent, by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are

absent or if the Adhyaksha is absent and there is no Upadhyaksha the members present shall elect one from among themselves to preside.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he may give his casting vote.

(*g*) No member of a Zilla Parishad shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Parishad or any committee, if the question is one in which, apart from its general application to the public he has any direct pecuniary interest.

(*h*) If the presiding member is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Parishad may be chosen to preside at the meeting during the continuance of such discussion.

(*i*) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting, or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Adhyaksha may propose any urgent subject of a routine nature, not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (*k*). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such

business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a Zilla Parishad shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, and notice whereof shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of members, the members of the House of the People and the Council of States, of the State Legislative Assembly and the State Legislative Council, the associate members and the Government officers, if any, present and of the proceedings at each meeting of the Parishad, and if any member present at the meeting so desires, of the names of the members and others voting respectively for or against any resolution in a book to be provided for this purpose. The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the Chairman of the meeting be signed by him . The action taken on the decisions of the Zilla Parishad shall be reported at the next meeting of the Zilla Parishad. The minutes book shall at all reasonable times be open to inspection by any member of the Parishad.

(4) A copy of every resolution passed by a Zilla Parishad at a meeting shall, within ten days from the day of the meeting, be forwarded to the Commissioner.

(5) During any vacancy in a Zilla Parishad or any committee thereof, the continuing members may act as if no vacancy had occurred.

252. **Interpellations and resolutions.**—(1) A member of a Zilla Parishad may move resolutions and interpellate the Adhyaksha on matters connected with the administration of the Zilla Parishad, subject to such regulations as may be made by the Parishad.

(2) A member of the Parishad may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Parishad, to any waste of property belonging to the Parishad, or to the wants of any locality within the district and may suggest any improvements which may appear desirable.

253. **Zilla Parishad may require the presence of Government Officers at meetings.**—If it shall appear to a Zilla Parishad that the attendance of any officer of the Government having jurisdiction over an area of a Division or Circle or less than a Division or Circle and not working under the Zilla Parishad, is desirable at a meeting of the Zilla Parishad, the Chief Executive Officer shall by letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting :

Provided that, the officer on receipt of such letter may, if he for any of the causes aforesaid is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

254. **Chief Executive Officer and other Officers.**—(1) The Government shall appoint an officer of the rank of a Deputy Commissioner as Chief Executive Officer for every Zilla Parishad who shall also function as the Secretary of the Zilla Parishad.

(2) If at a special meeting of the Zilla Parishad not less t an two-thirds of the total number of members (other

than associate members) constituting the Parishad for the time being vote in favour of a resolution requiring the Government to withdraw the Chief Executive Officer the Government shall withdraw such officer from service under the Parishad.

(3) The officers and servants employed by the Zilla Parishad shall be subordinate to and subject to the disciplinary control of the Chief Executive Officer.

(4) The Government shall also appoint a Chief Accounts Officer and a Deputy Chief Executive Officer * * Officer and a Deputy Chief Executive Officer * * * * for each Zilla Parishad.

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(5) There shall be a Selection Committee for recruitment by selection of teachers of Primary Schools consisting of the Adhyaksha who shall *ex-officio* be the Chairman, the Chief Executive Officer, and the District Educational Officer of the District.

(6) The other executive and ministerial officers of the Zilla Parishad shall be appointed by such authorities and in such manner as may be prescribed.

255. Functions of the Chief Executive Officer and other Officers.—(1) Subject to the general powers of the Adhyaksha under section 249, the Chief Executive Officer shall perform the following functions :—

(*a*) exercise the powers and discharge the duties specifically conferred or imposed upon him by or under this Act or the rules or regulations made thereunder or under any other law for the time being in force ;

(*b*) specify the duties of all officers and servants of the Zilla Parishad ;

(*c*) supervise and control the execution of all works of the Zilla Parishad ;

(*d*) take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Parishad ;

(*e*) have custody of all papers and documents connected with the proceedings of the meetings of the Zilla Parishad and of its committees ;

(*f*) draw and disburse moneys out of the Zilla Parishad Fund ; and

(*g*) exercise such other powers and perform such other functions as may be prescribed.

(2) The Chief Executive Officer, shall * * * attend every meeting of the Zilla Parishad and shall have the right to attend the meeting of any committee thereof and of any Taluk Board or a committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote.

(3) (i) The Chief Accounts Officer shall advise the Zilla Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including the preparation of the annual accounts and the budget.

(ii) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules, and regulations thereunder and shall disallow any expenditure not warranted by the Act or the rules or regulations or for which no provision is made in the budget.

(4) The Deputy Chief Executive Officer shall function as the Deputy Secretary of the Zilla Parishad and shall assist the Chief Executive Officer in the performance of his duties.

256. **Mode of making contracts**—(1) Every contract or agreement entered into on behalf of the Zilla Parishad, shall be binding on the Zilla Parishad only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Chief Executive Officer shall execute contracts or agreements on behalf of the Zilla Parishad in respect of matters which he is empowered to carry out

under the provisions of this Act, where the amount or value of such contract or agreement does not exceed five thousand rupees. He may execute such contract or agreement on behalf of Zilla Parishad with the previous approval of the Adhyaksha where the amount or value of such contract or agreement exceeds rupees five thousand but does not exceed rupees ten thousand. In all other cases he shall execute a contract or agreement only with the sanction of the Zilla Parishad.

(3) The Chief Executive Officer shall report all contracts entered into by him of a value exceeding rupees five thousand to the Adhyaksha forthwith and to the Zilla Parishad at its next meeting.

257. **Zilla Parishad Fund ordinarily liable for all costs and expenses incurred by the Parishad.**—(1) Except as is hereinafter otherwise provided, no Chief Executive Officer or no member of a Zilla Parishad shall be personally liable in respect of any contract or agreement made, for any expenses incurred by, or on behalf of, such Parishad.

(2) The Zilla Parishad Fund at the disposal of each Zilla Parishad shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

258. **Zilla Parishad Committees.**—(1) The Zilla Parishad shall appoint the following Committees by election—

(*a*) the Education committee,
(*b*) the Finance and Audit Committee,
(*c*) the Production Committee,
(*d*) the Public Works and Amenities Committee,
(*e*) the Social Welfare Committee.

(2) The Adhayaksha shall be *ex-officio* member and Chairman of all the Committees except the Education Committee. The Upadhayaksha shall be *ex-officio* Member and Chairman of the Education Committee ;

(3) The total number of members in each committee shall be not more than nine and not less than five. The Education Committee shall co-opt two persons in the district interested in the promotion of Education. The associate members referred to in sub-section (2) of section 227 shall be the members of the Production Committee. The Education Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes and Tribes. The Social Welfare Committee shall consist of at least three members belonging to the Scheduled Castes and Tribes unless the number of members belonging to these classes elected to the Zilla Parishad is less in which case the member or members elected shall be members of the Committee.

(4) No member of the Parishad other than the Adhyaksha shall be eligible to serve on more than two committees.

(5) A member of the committee who is absent from three consecutive meetings of the committee without the leave of the committee shall cease to be a member of the committee. If any dispute arises in this behalf it shall be referred to the Commissioner whose decision shall be final.

(6) In respect of a Zilla Parishad where the elected membership does not exceed twenty, the Government may direct the formation of multipurpose committees to perform functions which are assigned to more than one committee.

(7) Every committee shall hold office for such period as may be fixed by the Zilla Parishad.

(8) (*a*) The Chief Executive Officer of the Zilla Parishad shall be the *ex-officio* Secretary of every committee.

(*b*) The District Officers of the Zilla Parishad concerned with the work of a committee will function as joint secretaries of the committee.

259. Functions of the Committees.—(1) The Finance and Audit Committee shall perform the

functions relating to the finances of the Zilla Parishad, framing of budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Parishad and general supervision of the revenue and expenditure of the Parishad.

(2) The Production Committee shall perform functions relating to agricultural production, animal husbandry, soil conservation, contour bunding and reclamation, village and cottage industries, co-operation and small savings scheme.

(3) The Public Works and Amenities Committee shall perform functions relating to communications, buildings, rural housing, village extensions, minor irrigation, relief against natural calamities, health services, hospitals, water supply, family planning and other allied matters.

(4) The Social Welfare Committee shall perform functions relating to (a) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and other Backward Classes, (b) protecting them from social injustice and all other forms of exploitation, and (*c*) amelioration of Scheduled Castes, Scheduled Tribes and other Backward Classes.

(5) The Education Committee shall perform the following functions :—

(*a*) be in charge of all educational activities of the Parishad ;

(*b*) undertake the planning of education in the district within the framework of the national policy and the national and State plans ;

(*c*) survey and evaluate the educational activities of the Parishad :

(*d*) recommend grants for private secondary schools and undertake their disbursement on sanction by the Zilla Parishad ;

(*e*) make suggestions in regard to courses of study ;

(*f*) make suggestions as to the selection of text books ;

(*g*) arrange for the inspection of primary schools and for conduct of examinations ;

(*h*) implement programmes of secondary education entrusted to the Zilla Parishad by the Government ;

(*i*) supervise the working of all primary schools and of such other educational institutions under the control of the Zilla Parishad as the Parishad may decide from time time ;

(*j*) keep in touch with the activities of Village Panchayats and Town Panchayats within the jurisdiction of the Zilla Parishad to ensure that each such Panchayat pays its contribution to the school funds.

Explanation.—In this clause "school funds" means funds constituted for providing mid-day meals or books and equipment and such other funds for such purposes as the Government may by order specify.

(*k*) accept and manage endowments for educational purposes ;

(*l*) assist, encourage and guide all educational activities in the district ;

(*m*) secure the enforcement of the Mysore Compulsory Primary Education Act 1961 and the Rules and orders made thereunder ;

(*n*) discharge the following duties, if the Zilla Parishad makes provision for secondary and other education :—

(i) establish and maintain secondary schools providing for diversified courses in rural areas ;

(ii) establish scholarships for poor and deserving High School students ;

(iii) provide for the education of children who leave school between the ages of eleven and fourteen years ;

(iv) make arrangements for vocational education in rural areas ;

(v) implement schemes of social education, village libraries and pre-primary education ;

(vi) recognise and aid gymnasia and organise recreational centres and holiday and school camps ;

(*o*) perform such other duties pertaining to education, literary and cultural activities as the Zilla Parishad may assign to it.

(6) The committees shall perform in respect of matters assigned to them such additional duties as may be prescribed.

260. Other Committees.—A Zilla Parishad may appoint committees consisting of such members as it may decide for any purpose other than those specified in section 259 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed ; and every such committee shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the Parishad.

261 Procedure of Committees.—(1) The Zilla Parishad may frame regulations relating to election and co-option of members of committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of the Committee be entitled to call for any information, return, statement, account or report from the Zilla Parishad Office, and to enter on and inspect any immoveable property of the Parishad or work in progress connected with the work of the committee.

(3) Each committee shall be entitled to require attendance at its meetings of any officer of the Zilla Parishad who is connected with the work of the committee. The Secretary of the Zilla Parishad or the Joint Secretary of the committee referred to in sub-section (8) of section 258 or the Deputy Secretary of the Zilla Parishad shall under instructions of the committee, issue notices and secure the attendance of the officer.

262. **Validity of proceedings.**—(1) No disqualification of or defect in the election or appointment of any person acting as member, or as the Adhyaksha or presiding authority of a general or special meeting or a chairman or member of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Parishad or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

(2) No resolution of a Zilla Parishad or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice, upon any member provided that the proceedings of the Zilla Parishad or Committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Zilla Parishad or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with matters referred to in the minute.

(4) During any vacancy in a Zilla Parishad or committee the continuing member or members may act as if vacancy had occurred.

CHAPTER XII.

Functions of Zilla Parishads.

263. **Functions of Zilla Parishads.**—(1) It shall be the duty of every Zilla Parishad to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and, outside that area when the Zilla Parishad considers it necessary to do so in that area.

I. Development Programmes—

Overall supervision, co-ordination and integration of development schemes at taluk and district levels and preparing the plan for the development of the district.

II. Agriculture—

(*a*) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural practices;

(*b*) Opening and maintenance of seed farms;

(*c*) Establishment, maintenance and management of, and financial assistance to, Agricultural Schools, but not including matters relating to—

(1) laying down of syllabus;
(2) prescription of text-books; and
(3) conducting annual examinations;

(*d*) Establishment and maintenance of godowns;

(*e*) Co-ordination of efforts in co-operation with the Taluk Boards for crop protection.

III. Animal Husbandry—

(*a*) Establishment and maintenance of Taluk Veterinary Hospitals; * * * * * *

(*b*) In co-operation with the Taluk Development Boards, measures for the improvement of the breed of cattle and other live-stock ;

(*c*) Protective measures for controlling contagious diseases.

IV. Welfare of the Scheduled Castes and Tribes and other Backward Classes—

(*a*) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and other Backward Classes ;

(*b*) Protecting such castes and classes from social injustice and all forms of exploitation ;

(*c*) Establishment and management of hostels of such castes and classes * * * * * ;

(*d*) Supervision of the implementation of all schemes for the welfare of Scheduled Castes and other Backward Classes in the district, in particular the management of hostels in the district and the distribution of grants, loans and subsidies to individuals.

V. Buildings and Communications.—

(*a*) Construction, maintenance and repairs of district roads, (roads other than State Fund and Taluk Board roads) and bridges ;

(*b*) Construction of administrative and other buildings in connection with the requirements of the Zilla Parishad.

VI. Public Health—

(*a*) Management of Taluk Headquarters dispensaries and other hospitals and dispensaries (excluding Civil Hospitals in the district headquarters and other hospitals which are comparable to civil hospitals and hospitals and dispensaries under the management of municipalities) ;

(*b*) Establishment and regulation of fairs and festivals, including cattle fairs ;

(c) Improvement and extension of village sites (including grants and loans for the purposes);

(d) Laying out new village sites (including grants and loans for the purpose);

(e) Survey of the village sites and of public and private property therein and maintenance of records pertaining thereto.

VII. Minor Irrigation—

(a) Construction, renovation and maintenance of irrigation tanks with an atchkat exceeding fifty acres but not exceeding two hundred * * acres;

(b) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Parishad.

VIII. Industries and Cottage Industries—

(a) Promotion of Rural and Cottage Industries;

(b) Training-*cum*-Production Centres;

(c) Sales depot and emporia;

(d) Organisation of marketing facilities for products of cottage and village industries;

(e) Implementation of schemes for the development of cottage industries and village and small scale industries of State Boards and All India Boards.

IX. Horticulture—

(a) Rural Parks and Gardens;

(b) Cultivation of fruits and vegetables.

X. Co-operation—

(a) Promotion and extension of actvities of Co-operative Societies;

(b) Taking shares in co-operatives in those cases in which the Government can take shares, subject to conditions laid down by the Registrar of Co-operative Socities.

XI. Education and Social Education—

(*a*) Establishment and supervision of Primary Schools;

(*b*) Implementation, with the collaboration of Taluk Boards of schemes of Audlt Literacy undertaken by other bodies ;

(*c*) Arrangements for inspection of Primary Schools and conduct of their examinations ;

(*d*) Sanction and distribution of Government aid in regard to Primary and Secondary Education ;

(*e*) Survey and evalution of educational activites ;

(*f*) Assisting, encouraging and guiding of educational activities in the district ;

(*g*) Co-ordinating the efforts of Taluk Boards and the State voluntary organisations for rendering social service in villages ;

(*h*) Promoting and encouraging in co-operation with the Taluk Boards, institutions for rendering social service such as Youth Clubs, Mahila Mandals and Farmers' Associations.

(*i*) Establishment and maintenance of general hostels, Ashram Schools and Orphanages.

XII. Statistics—

(*a*) Publication of statistical and other information relating to activities of Panchayats, Taluk Boards and Zilla Parishads ;

(*b*) Co-ordination and use of statistics and other information required for the activities of the Panchayats, Taluk Boards and Zilla Parishads ;

(*c*) Periodical supervision and evalution of projects and programmes entrusted to the Panchayats, Taluk Boards and Zilla Parishads.

XIII. Fisheries—

Development of fisheries in minor irrigation tanks vested in the Zilla Parishad.

(2) The Government may, with the approval of both Houses of the State Legislature, and by notification in the Gazette, omit any entry from the list under sub-section (1) or add any entry thereto or amend any such entry. On the issue of the notification the list shall be deemed to have been amended accordingly.

(3) The Government may entrust to the Zilla Parishad the implementation of schemes under the State Plans in respect of the developmental functions of the Zilla Parishad mentioned in the sub-section (1) which can be executed by the staff of the Zilla Parishad. When schemes are entrusted under this sub-section the Government shall provide the necessary funds for implementation of such schemes.

264. **Transfer of works and schemes.**—(1) The Government shall by notification transfer to the Zilla Parishad subject to such terms and conditions as * may * * be agreed upon between the Government and the Zilla Parishad all completed works or development schemes in relation to the subjects enumerated in sub-section (1) of section 263 and may in like manner transfer also works and development schemes in progress.

(2) On such transfer the works and schemes shall vest in the Zilla Parishad, subject to such terms and conditions.

* * * * *

265. **Transfer of functions of Government to Zilla Parishad.**—(1) Notwithstanding anything contained in any law for the time being in force, the Government may, subject to such conditions as it may think fit to impose, entrust by an order published in the official gazette to a Zilla Parishad such powers and functions relating to any matter as are exercised and performed by the Government or any officer of Government under any enactment which the State Legislature is competent to enact, or otherwise in the executive power of the State, and appear to relate to matters arising within a district and to be of an administrative

character and shall on such entrustment, transfer to the Zilla Parishad such funds and properties and place at the disposal of the Zilla Parishad such staff as may be necessary to enable the Zilla Parishad to exercise the powers and discharge the functions so entrusted.

(2) The teaching staff and Class IV staff of the Primary Schools whose administration is transferred to the Zilla Parishad under sub-section (3) shall be transferred to the service of Zilla Parishad. The staff of the other Departments shall continue to be the servants of the Government, and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State.

(3) With effect from the date of entrustment to the Zilla Parishad of the powers and functions of the Government relating to any matter the following consequences shall ensue, namely :

(i) all assets and liabilities appertaining to such matter shall stand transferred to and vest in the Zilla Parishad ;

(ii) the staff of the primary schools referred to in sub-section (2) transferred by the Government shall become employees of the Zilla Parishad and shall hold office under the Zilla Parishad on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other conditions of service as they would have held if the primary schools had not been transferred to the administration of the Zilla Parishad and shall continue to do so unless and until their employment under the Zilla Parishad is terminated or until their remuneration, terms and conditions are duly altered by the Zilla Parishad :

Provided that the remuneration, terms and conditions of service of any such employee shall not be varied to his disadvantage except with the previous approval of the Government.

(4) Without prejudice to the generality of the provisions of sub-section (1) the Government may entrust to the Zilla Parishad such powers and functions as are exercised

and performed in the following departments of the State Government namely :—

1. Department of Agriculture ;
2. Department of Animal Husbandry and Veterinary Services ;
3. Department of Health Services ;
4. Department of Public Works ;
5. Department of Social Welfare ;
6. Department of Industries and Commerce ;
7. Department of Statistics ;
8. Department of Public Instruction ;
9. Department of Horticulture ; and
10. Department of Fisheries.

(5) On the entrustment of any power or function under sub-sections (1) and (3), the Zilla Parishad shall, if the Government so directs, and with the previous approval of the Government may, delegate to a Taluk Board any of the powers and functions and allot to such Board such funds and staff as may be necessary to enable the Board to exercise the powers and discharge the functions so delegated.

(6) Where any power or function conferred by or under any enactment are so entrusted or delegated, that enactment shall have effect as if this section had been incorporated in that enactment.

266. Duties in respect of Primary Education.—(1) It shall be the duty of the Zilla Parishad so far as its Education Fund will allow :—

(*a*) to maintain an adequate number of primary schools ;

(*b*) to provide adequate accommodation and equipment for primary schools ;

(*c*) to maintain an adequate staff of teachers, inferior servants and other staff as may in the opinion of the Government be necessary ;

(*d*) to sanction tenders for the supply of forms, stationery, furniture or equipment required for the schools ;

(*e*) to provide for the physical education and sports of the students of the schools ; and

(*f*) to perform such other duties and functions as may be prescribed.

(2) The Zilla Parishad may—

(*a*) determine the exact location of primary schools ;

(*b*) determine with the approval of the Director of Public Instruction the hours of instruction and the number and duration of vacations ;

(*c*) grant, on the recommendation of the Administrative Officer, exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school ;

(*d*) advise the Government generally in respect of primary education in the State ; and

(*e*) carry on propaganda for the expansion of primary education.

267. Government may place roads and other property under Zilla Parishad.—(1) It shall be lawful for the Government from time to time to direct by notification that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in the Government or in a Taluk Board and which is situated within the district, shall, with the consent of the Zilla Parishad of such district, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Parishad for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Parishad, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Zilla Parishad under sub-section (1) on such terms as the Government may determine.

268. **Works constructed by Zilla Parishad to vest in it.**—Every road, building or other work constructed by a Zilla Parishad from the Zilla Parishad Funds shall vest in such Parishad.

269. **Other powers of Zilla Parishad.**—(1) Subject to the general or special orders of the Government, a Zilla Parishad may,—

(*a*) incur expenditure on educational or medical relief outside its jurisdiction;

(*b*) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

(*c*) render financial assistance to Taluk Boards for the maintenance of secondary schools;

(*d*) contribute to associations at All-India, State or Inter-State level concerned with the promotion of Local Government and to exhibitions, seminars and conferences within the district related to the activities of Panchayats, Taluk Boards and Zilla Parishads; and

(*e*) render financial or other assistance to any person for carrying on in the district any activity which is related to any of the functions of the said bodies.

270. **Powers to turn, divert, discontinue or close road.**—(1) The Zilla Parishad may, by notification turn, divert, discontinue or permanently close any road which is under the control and administration of or is vested in the Zilla Parishad.

(2) Before issuing a notification under sub-section (1), the Zilla Parishad shall publish in such manner as may be prescribed a notice of its proposal inviting objections and shall take into consideration any objections received.

271. **Control of unwieldy traffic.**—Subject to the provisions of the Mysore Traffic Control Act, 1960, a Zilla Parishad may subject to such rules as may be prescribed and to the regulations framed by the Zilla Parishad, notify that

any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a license issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

CHAPTER XIII

Finance and Taxation

272. Zilla Parishad Funds, their custody and investment.—(1) There shall be for each district two funds called (1) the Zilla Parishad General Fund and (2) the Zilla Parishad Education Fund, which shall be administered by the Zilla Parishad of the district.

(2) The amounts at the credit of the * * * Funds shall be kept in the Government Treasury of the district.

(3) It shall be lawful for a Zilla Parishad to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Scheduled Bank or Co-operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with like sanction.

273. Composition of Zilla Parishad Funds.—(1) The following shall form part of, or be paid into, the Zilla Parishad General Fund, namely :—

(i) all grants, assignments, loans and contributions, made by the Government other than those for educational purposes ;

(ii) all cesses, taxes, fees and penalties paid to or levied by or on behalf of the Zilla Parishad under this Act, and all fines credited under sub-section (3) of section 398 of this Act;

(iii) all grants, loans and contributions from the Government to Taluk Boards the distribution of which is entrusted to the Zilla Parishad;

(iv) all rents from lands or other properties of the Zilla Parishad;

(v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions for purposes other than educational purposes;

(vi) all proceeds of land, securities and other property sold other than those for educational institutions by the Zilla Parishad;

(vii) all sums received by or on behalf of the Zilla Parishad by virtue of this or any other Act for purposes other than educational purposes:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Parishad General Fund.

(2) The following shall form part of, or be paid into, the Zilla Parishad Education Fund, *viz.*,

(i) all grants, assignments, loans and contributions made by the Government for educational purposes;

(ii) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions for educational purposes;

(iii) all proceeds of lands, securities and other properties of educational institutions sold by the Zilla Parishad;

(iv) all sums received by or on behalf of the Zilla Parishad by virtue of this or any other Act for educational purposes;

(v) such contributions as the Zilla Parishad may make from its general fund for educational purposes or shall make as may be prescribed:

Provided that sums received by way of endowments for any specific educational purpose shall not form part of or be paid into the Zilla Parishad Education Fund.

274. Levy of Local Cess.—(1) The Government shall levy a local cess at the rate of twelve paise in the rupee on all items of land revenue. * * * * * * * *

(2) A Zilla Parishad , may in such manner as may be prescribed and subject to the sanction of Government levy an additional local cess not exceeding ten paise in the rupee on * * * * land revenue.

* * *

(3) The local cess payable under sub-sections (1) and (2) of this section shall be levied, assessed and recovered along with land revenue, * * * * * * * * * * and the provisions of the law and the rules, orders and notifications, made or issued thereunder for the time being in force, shall apply to the levy, assessment and recovery of the cess as they apply in respect of the levy, assessment and recovery of * * * * land revenue. * * * *

(4) The Government shall assign to every Zilla Parishad, the entire local cess levied under sub-sections (1) and (2) and collected in the area within the jurisdiction of the Zilla Parishad.

(5) The Government shall make a grant to every Zilla Parishad, which levies the additional cess under sub-section (2) of such percentage of the amount of the cess as may be determined by the Government, from time to time.

275. Tax on sale of animals.—(1) Notwithstanding anything contained in the Mysore Sales Tax Act, 1957, a Zilla Parishad may, in such manner as may be prescribed

levy a tax on animals sold in the markets established in any area within the jurisdiction of the Zilla Parishad not exceeding one rupee per animal, as the Zilla Parishad may determine.

(2) The Zilla Parishad shall pay out of the proceeds of the tax levied under sub-section (1) such share to the Taluk Boards as may be determined by the Government from time to time.

276. **Grant by Government.**—The Government shall make annually a grant to every Zilla Parishad of an amount equal to ten per cent of the land revenue collection of the district.

(2) Land revenue collection of the district for the purpose of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination ;

(*b*) after the determination of the land revenue on the basis of aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

(3) The amount granted to a Zilla Parishad under sub-section (1) shall be credited to the Zilla Parishad General Fund at such times and in such manner as may be prescribed.

(4) The Government shall meet the expenditure on account of the salaries and allowances

(i) of the Chief Executive Officer, the Chief Accounts Officer and the Deputy Chief Executive Officer of the Zilla Parishad and their establishments, the scale of the establishments being determined by the Government from time to time, and

(ii) of the Government servants of classes I, II and III whose services are made available to the Zilla Parishad under sub-section (1) of the section 265.

277. **Application of Zilla Parishad Funds and Property.**—(1) The Zilla Parishad General Fund and all property held or vested in the Zilla Parishad under this Act other than that referred to in sub-section (2) shall be applied subject to the provisions of this Act for the payment of—

(*a*) salaries and allowances to the Adhyaksha and the Upadhyaksha and travelling and daily allowance to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Parishad or any committee thereof subject to such rules as may be made in this behalf by the Government ;

(*b*) the salaries, allowances, pensions and gratuities of its officers and servants other than those serving in connection with education or such part thereof as may be prescribed ;

(*c*) any amounts falling due on any loans contracted by the Parishad ;

(*d*) expenses incurred—

(i) for holding elections to the Zilla Parishad under this Act ;

(ii) for the purposes specified in this Act other than educational purposes ;

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the Zilla Parishad ; and

(iv) with the previous sanction of the Government for any other purpose for which the application of such property or fund is necessary in the public interest :

Provided that any funds granted to the Zilla Parishad by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions

as the Government may specify either generally or specially in this behalf.

(2) The Zilla Parishad Education Fund and property held or vested in the Zilla Parishad in respect of educational institutions under this Act shall be applied subject to the provisions of this Act, for the payment of—

(*a*) the salaries, allowances, pensions, gratuities and provident funds of the Officers and servants of the Zilla Parishad dealing with education or serving in schools ;

(*b*) the construction, maintenance and repairs of school and other educational buildings ;

(*c*) the provision of equipment, furniture, stationery and forms to the primary schools and other educational institutions ;

(*d*) supply of books, slates, educational requisites, milk, meals or clothes to the children of any age receiving primary education, if provision for such supply is made ;

(*e*) such other educational purposes as the Government may prescribe.

(3) The Zilla Parishad shall distribute a portion of the income received by it from the regulation of fairs and festivals and credited to the Zilla Parishad General Fund to the Taluk Boards and Panchayats in such manner as may be prescribed.

278. Rents and fees.—Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Parishad may charge fees for any licence or permission issued by it under this Act and the rules thereunder and levy rents and fees for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Parishad Fund.

279. Agency for collection.—The tax, fee or other amount payable to the Zilla Parishad shall be collected by such agency as the Zilla Parishad appoints in this behalf provided that it shall be lawful for a Zilla Parishad to lease the right to levy any fee that may

be imposed under this Act by public auction, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this Chapter.

280. **Power to expel persons who refuse to pay fees.**—When any fee has been imposed under section 278 or any other provision or the right to collect it has been leased under section 279, any person employed by the Zilla Parishad or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but fails to pay it.

281. **Zilla Parishad may raise loans and may form a sinking fund.**—A Zilla Parishad may with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of the Act and form a sinking fund for the repayment of such loans.

282. **Arrangement purporting to be binding permanently or for a term of years.**—When a Zilla Parishad has entered into any arrangement, or made any promise, purporting to bind itself for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the Zilla Parishad Fund, it shall be lawful for the Zilla Parishad to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager of such institution.

283 **Prohibition of expenditure not covered by the Budget.**—Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Parishad Fund unless

the expenditure of the same is covered by a budget grant, except in the following cases, namely :—

(*a*) refunds of taxes and other moneys which the Zilla Parishad is authorised to make under this Act or the rules or regulations made thereunder ;

(*b*) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Parishad Fund by mistake ;

(*c*) sums which the Zilla Parishad is required or empowered by this Act to pay by way of compensation.

(*d*) every sum payable—

(i) under this Act by order of the Commissioner or Government ;

(ii) under a decree or order of a civil court ; and

(iii) under a compromise of any suit or other legal proceedings or claim.

284. **Presentation of Accounts and Budget.**—(1) The Finance and Audit Committee shall cause to be prepared and laid before the Zilla Parishad at its ordinary meetings complete accounts of the receipts and expenditure of the Zilla Parishad since the first day of April last preceding and at a meeting, which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the Zilla Parishad for the official year to commence on the first day of April next following.

(2) The Zilla Parishad shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Parishad shall be sent * * * to the Government and Commissioner before such date as may be fixed by the Government.

* * * *

(3) In such budget estimate, the Zilla Parishad shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Zilla Parishad by this Act or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the Zilla Parishad may be liable in respect of loans contracted by it ;

(*c*) provide a sum equal to not less than two and half per cent of the income of the Zilla Parishad, exclusive of the Government grants and assignments for specific purposes, for the welfare of Scheduled Castes and Tribes and other backward classes ;

(*d*) allow for a balance at the end of the said year of not less than such sum or percentage of income as may, from time to time, be fixed by the Government either generally for all Zilla Parishads or specially for any Zilla Parishad.

(4) If the Zilla Parishad fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget so approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Parishad.

285 **Revision of Budget.**—If, in the course of the official year the Zilla Parishad finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes. it may make such modification :

Provided that, without the approval of the Commissioner—

(*a*) no reduction of over ten per cent is made in the grants approved for any developmental functions of the Parishad ; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 284.

286. Maintenance of accounts and restriction of expenditure.—(1) Accounts of the income and expenditure of the Zilla Parishad Funds shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Parishad Funds shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Parishad shall, at the first ordinary meeting held after the close of the official year * * pass the accounts of that year.

287 Transmission of accounts.—The Zilla Parishad shall, as soon as the annual accounts have been finally passed by it, transmit to the Commissioner, an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Commissioner may, from time to time, direct.

288. Power to write off irrecoverable sums.—Subject to such restrictions as may be prescribed, a Zilla Parishad may write off any sum due to it, whether under a contract or otherwise or any sum payable in connection therewith, if in its opinion, such sum is irrecoverable :

Provided that no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Government.

289. Audit of accounts.—(1) The accounts of the Zilla Parishad Funds shall, from time to time, and at least once in every year be audited in such manner, as may be prescribed by such one of the officers as may be authorised by the Government to audit the accounts of Zilla Parishads (hereinafter referred to as the auditor) and with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the Parishad.

(2) The auditor or auditors shall, for the purposes of audit have access to all the accounts and other records of the Zilla Parishad.

(3) The Zilla Parishad shall pay from the Zilla Parishad Funds such charges for the audit as may be agreed upon between the Parishad and the auditor and in the case of a Government auditor, such charges as may be prescribed by the Government.

290. Powers of Government auditor, etc.—(1) The Government auditor may—

(*a*) require in writing the production before him of such vouchers, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit ;

(*b*) require in writing any person accountable for or having the custody or control of any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the Zilla Parishad to meet him at the Zilla Parishad Office ;

(*c*) require such person to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and furnish any statement ;

(*d*) in the event of an explanation being required from the Adhyaksha or other honorary officer or member of the Zilla Parishad, in writing invite such person to meet him and shall in writing specify, the point on which his explanation is required.

(2) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Commissioner.

291. Duties of Government auditor.—(1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Finance and Audit Committee of the Zilla Parishad a report upon the audit of the accounts;

(*b*) report to the Finance and Audit Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the Zilla Parishad or in the Zilla Parishad Funds accounts; and

(*c*) report to the Finance and Audit Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the Zilla Parishad caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The Finance and Audit Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

292. Disallowance by Government auditor and order by Commissioner.—(1) The Government auditor shall disallow every item of payment contrary to law and report the same to the Commissioner with particulars as regards the person making or authorising the making of such payment.

(2) The Commissioner may, on the report of the auditor or on his own motion and after taking the explanation of the person concerned or making such further enquiry as he may consider necessary, charge any person responsible therefor the amount disallowed under sub-section (1) or

the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall in writing state the reasons for his decision in respect of every charge and send a copy thereof to the person against whom it is made.

293. Appeal against the order.—Any person aggrieved by the order of the Commissioner under section 292 may, within thirty days of the receipt by him of a copy of the decision of the Commissioner, either—

(*a*) apply to the Court of the Civil Judge to set aside such order; and the court, after taking such evidence as it considers necessary, may confirm, modify or remit such charge, and make such orders as to costs as it deems proper in the circumstances; or

(*b*) in lieu of such application, appeal to the Government which shall pass such orders as it thinks fit.

294. Recovery of amounts disallowed.—(1) Every sum certified by the Commissioner to be due from any person under sub-section (2) of section 292 shall be paid by such person to the Zilla Parishad within thirty days from the date of the receipt by him of a copy of the decision, unless within that time such person has applied to the court or appealed to the Government as provided in section 293.

(2) Such sum, if not duly paid, or such sum as the court or the Government shall declare to be due under section 293, shall be recoverable by the Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the Zilla Parishad Fund.

295. Procedure for recovery of dues.—The procedure for recovery of dues and conditions of distraint and sale laid down in sections 223 and 224, in respect of Taluk Boards shall apply *mutatis mutandis* for the recovery of any sums due to the Zilla Parishad under the Act.

PART V—NYAYA PANCHAYATS

CHAPTER XIV

DEFINITIONS

296. Definitions.—In this part, unless the context otherwise requires :—

(*a*) "Chairman" means the Chairman of the Nyaya Panchayat ;

(*b*) "circle" means the circle for which a Nyaya Panchayat has been constituted ;

(*c*) "Court of Session" means the Court of Session for the sessions division in which the Nyaya Panchayat is situate, and includes any other criminal court which may be specified by the Government, by notification in the official gazette, as having the powers of a Court of Session under this Act ;

(*d*) "District Court" means the principal civil court of original jurisdiction in the area in which the Nyaya Panchayat is situate, and includes any other civil court which may be specified by the State Government, by notification in the official gazette, as having the powers of a District Court under this Act ;

(*e*) "member" means a member of a Nyaya Panchayat ;

(*f*) "Nyaya Panchayat" means the Nyaya Panchayat constituted for a circle under section 298 ;

(*g*) "Vice-Chairman" means the Vice-Chairman the Nyaya Panchayat.

CHAPTER XV

ESTABLISHMENT AND CONSTITUTION OF NYAYA PANCHAYATS

297. Establishment of Nyaya Panchavats.—(1) For the disposal of cases specified in Chatepr XVI in any area to which this part applies, the Government may, by notification group two or more villages into a circle and establish a Nyaya Panchayat for the circle.

Provided that no Nyaya Panchayat shall be established for any circle unless a resolution is passed in each Panchayat concerned by all the members of such Panchayat agreeing to the establishment of the Nyaya Panchayat.

(2) In grouping two or more villages into a circle, the Government shall have regard among other matters to their contiguity, the facilities of communication available and the population involved.

(3) The Nyaya Panchayat shall be known by such name as may be specified in the notification.

298. **Constitution of Nyaya Panchayats.**—(1) A Nyaya Panchayat shall consist of the following members, namely :—

(*a*) Two members elected in the prescribed manner by every Panchayat in the circle ;

(*b*) persons co-opted by the elected members as provided in sub-section (2).

(2) the following persons shall be co-opted by the elected members to a Nyaya Panchayat,—

(*a*) Two women, if no woman has been elected to the Nyaya Panchayat or one woman if only one woman has been elected ;

(*b*) one person belonging to the Scheduled Castes or Tribes if no such person has been elected to the Nyaya Panchayat.

299. **Failure to elect or co-opt.**—If any Panchayat fails to elect a member of a Nyaya Panchayat or if the elected members of a Nyaya Panchayat fail to co-opt a member as required by section 298, the Deputy Commissioner may nominate any person who is qualified to be so elected or co-opted, as the case may be, to fill the vacancy.

300. **Qualifications for membership of Nyaya Panchayat.**—No person shall be eligible for election or co-option as a member of a Nyaya Panchayat unless he—

(*a*) has completed the age of thirty years;

(*b*) is ordinarily resident, in the case of a member to be elected, within the jurisdiction of the Panchayat electing him, and, in the case of a member to be co-opted within the jurisdiction of the circle for which a Nyaya Panchayat has been established;

(*c*) is able to read and write:

Provided that the Government may relax this qualification by notification for specified backward areas and for a specified number of years.

301. **Disqualifications for membership.**—(1) A person shall be disqualified for being chosen as, and for being, a member of a Nyaya Panchayat—

(*a*) if he holds any office under any Panchayat in the circle or under the Nyaya Panchayat;

(*b*) if he is of unsound mind and stands so declared by a competent court;

(*c*) if he is an undischarged insolvent;

(*d*) if he has been dismissed from service under the Government or a local authority for misconduct;

(*e*) if he has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude, such offence not having been pardoned.

(2) If any question arises as to whether a member of a Nyaya Panchayat has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred to the Civil Judge whose decision shall be final.

302. **Vacation of seat.**—(1) If a member of a Nyaya Panchayat—

(*a*) becomes subject to any of the disqualifications mentioned in sub-section (1) of section 301; or

(*b*) ceases to reside for a period of three months within the jurisdiction of the Panchayat which elected him or in the case of a co-opted member, the circle, without obtaining leave of absence which leave shall not exceed four months in any calendar year ; or

(*c*) resigns his seat by writing under his hand addressed to the Chairman,

his seat shall become vacant.

(2) Where a member of a Panchayat is elected or co-opted to be a member of a Nyaya Panchayat, his seat in the Panchayat shall become vacant.

303. **Term of office of members of Nyaya Panchayats.**—(1) As nearly as possible, one-third of the members of a Nyaya Panchayat shall retire, as soon as may be on the expiration of every second year in accordance with such rules as may be made in this behalf.

(2) A person retiring under the provisions of this section shall be eligible for re-election or for being co-opted again.

304. **Oath to be taken by members of Nyaya Panchayats.**—Every member shall before assuming office make and subscribe before such authority as may be specified by the Government in this behalf an oath according to the form set out for the purpose in Schedule III.

305. **Chairman and Vice-Chairman.**—(1) The members shall elect in the prescribed manner one from among themselves to be the Chairman of the Nyaya Panchayat and another to be the Vice-Chairman.

(2) If a Nyaya Panchayat fails to elect a Chairman or a Vice-Chairman as required by sub-section (1), the Deputy Commissioner may appoint any of the members to be the Chairman or Vice-Chairman, as the case may be, and such person shall be deemed to have been duly elected as the Chairman or Vice-Chairman.

306. **Duties of Chairman and Vice-Chairman.**—(1) The Chairman and in his absence, the Vice-Chairman shall preside over every sitting of the Nyaya Panchayat.

(2) In the absence of both the Chairman and the Vice-Chairman the members shall elect one among themselves to preside over the sitting of the Nyaya Panchayat.

(3) The Chairman and Vice-Chairman shall perform such other functions as are specified in this Act or as may be prescribed.

307. **Vacation of Office of Chairman, etc.**—A Chairman or Vice-Chairman—

(*a*) shall vacate his office if he ceases to be a member of the Nyaya Panchayat;

(*b*) may, at any time, by writing under his hand addressed to the Deputy Commissioner resign his office;

(*c*) may be removed from office by a resolution of the Nyaya Panchayat passed by a majority of not less than three-fourths of the then total number of members of the Nyaya Panchayat at a meeting specially convened for the purpose.

308. **Casual vacancies.**—Any casual vacancy among the members of a Nyaya Panchayat shall be filled in the same manner as a regular vacancy, but the term of office of a member so chosen shall be the residue of the term of the person in whose vacancy he has been chosen.

309. **Secretary of Nyaya Panchayat.**—(1) The Government shall appoint a Secretary to each Nyaya Panchayat, but nothing herein contained shall prevent the appointment of the same person as Secretary to two or more Nyaya Panchayats.

(2) A Secretary of a Nyaya Panchayat shall assist the Nyaya Panchayat in the performance of its functions under this Act and shall perform such other functions as may be prescribed.

CHAPTER XVI

CIVIL AND CRIMINAL JURISDICTION OF NYAYA PANCHAYATS

310. Functions of a Nyaya Panchayat.—A Nyaya Panchayat shall try civil and criminal cases of the nature specified in this Chapter.

A—CIVIL JURISDICTION

311. Suits triable by Nyaya Panchayats.—(1) The following suits are triable by a Nyaya Panchayat if the amount or value thereof in each case does not exceed two hundred and fifty rupees, namely :—

(*a*) suits for money due on contracts ;

(*b*) suits for the recovery of any moveable property or the value thereof ;

(*c*) suits for compensation for wrongfully taking or injuring any moveable property ;

(*d*) suits for damage by cattle trespass.

(2) Notwithstanding anything contained in sub-section (1) the Government may, by notification in the official gazette, declare that Nyaya Panchayats in the State or any part thereof may try all or any of the suits of the nature mentioned in that sub-section, the amount or value whereof does not exceed five hundred rupees.

312. Suits which may not be tried by Nyaya Panchayats.—Notwithstanding anything contained in section 311, the following suits are not triable by Nyaya Panchayats.—

(*a*) suits on a balance of partnership account ;

(*b*) suits for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will ;

(*c*) suits for the recovery of rent of any immoveable property ;

(*d*) suits for foreclosure, sale or redemption in the case of a mortgage of, or charge upon, immoveable property

or for the declaration of any other right to, or interest in, immoveable property ;

(*e*) suits by or against minors or persons of unsound mind ;

(*f*) suits by or against the Central or State Government or a local authority or a public servant in his official capacity ;

(*g*) suits the cognizance of which by civil courts is barred under any law for the time being in force.

313. **Place of suing.**—Every suit under this Act shall be instituted before the Nyaya Panchayat of the Circle in which the defendant or where there are more defendants than one, such of the defendants against whom any relief is claimed in the suit actually and voluntarily reside or carry on business or personally work for gain, at the time of the commencement of the suit.

314. **Suits not to be entertained when matter in issue is pending or has been decided in another Nyaya Panchayat or Court.**—(1) No Nyaya Panchayat shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Nyaya Panchayat or Court of competent jurisdiction to grant the relief claimed.

(2) No Nyaya Panchayat shall try any suit in respect of any matter which has been heard and decided by another Nyaya Panchayat or a Court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

315. **Incidental determination of questions as to title to immovable property, etc., not binding in other actions.**—If in the decision of a suit it becomes necessary to decide incidentally any question as to title to any immoveable

property or the legal character of either of the parties to the suit or of the existence of any contract or obligation, the Nyaya Panchayat may decide such question, but any such decision shall not be evidence of such title, legal character, contract or obligation in any other action.

316. Limitation.—Every suit of the nature referred to in section 311 instituted before a Nyaya Panchayat after the expiry of the period specified in respect thereof in the table below shall be dismissed although limitation has not been set up as a defence.

TABLE

Description of suit 1	*Period of limitation* 2	*Time from which period begins to run* 3
1. For money due on contract.	Three years	When the money became due to the plaintiff.
2. For the recovery of moveable property or the value thereof.	Three years	When the plaintiff became entitled to the delivery of the moveable property.
3. For compensation for wrongfully taking or injuring any moveable property.	One year	When the moveable property was wrongfully taken or when injury was done to it.
4. For damage by cattle trespass.	Three months	When the damage was caused by the cattle trespass.

B. Criminal Jurisdiction

317. Offences cognizable by Nyaya Panchayats.—(1) The offences specified in Schedule IV are cognizable by a Nyaya Panchayat if committed within the local limits of its jurisdiction.

(2) If the Government is of opinion that any offence not specified in the Schedule IV is of such a nature that it may be tried by Nyaya Panchayats or that any offence so specified should cease to be triable by them, it may, by notification in the official gazette, amend the Schedule, and, with effect from the date of such notification, any offence added to or removed from Schedule IV shall become cognizable or, as the case may be, cease to be cognizable by Nyaya Panchayats.

Provided that no notification amending the schedule shall be issued unless such amendment has been approved by both Houses of the State Legislature.

(3) Any notification issued under sub-section (2) shall not affect the trial of any criminal proceeding pending before a Nyaya Panchayat on the date of the notification and such proceeding may be disposed of by the Nyaya Panchayat as if the notification had not been issued.

318. Offences which may not be tried by Nyaya Panchayats.—Notwithstanding anything contained in section 317, no Nyaya Panchayat shall take cognizance—

(1) of any offence of theft punishable under section 379 of the Indian Penal Code in any case where the accused—

(*a*) has been previously convicted of an offence punishable under Chapter XVII of that Code with imprisonment of either description for a term of three years upwards ; or

(*b*) has been previously fined by any Nyaya Panchayat for theft or for dishonestly receiving stolen property ; or

(*c*) has been ordered to execute a bond for his good behaviour in proceedings instituted under section 109 or 110 of the Code of Criminal Procedure, 1898, or

(2) of any offence under the Indian Penal Code in any case where either the complainant or the accused is a public servant or a member of the Nyaya Panchayat.

319. **Place of trial.**—(1) Every offence shall ordinarily be enquired into and tried by the Nyaya Panchayat within the local limits of whose jurisdiction it was committed.

(2) Notwithstanding anything contained in sub-section (1), rules made in this behalf may provide for the determination of the jurisdiction of Nyaya Panchayats in cases where it is uncertain in which of several circles an offence was committed or by which Nyaya Panchayat an offence is to be tried.

320. Persons convicted or acquitted not to be tried again for the same offence.—No Nyaya Panchayat shall try a person for an offence where he has already been tried by a court of competent jurisdiction or by another Nyaya Panchayat and convicted or acquitted of that offence, while such conviction or acquittal remains in force.

321. **Limitation for criminal proceedings.**—Subject to the provisions of any law for the time being in force, no Nyaya Panchayat shall take cognizance of any offence under this Act after the expiry of three months from the date on which the offence was committed.

322. **Limitation of powers of punishment of Nyaya Panchayats.**—A Nyaya Panchayat may impose on any person convicted by it of an offence cognizable by it any sentence of fine not exceeding rupees fifty, but it shall not be competent for a Nyaya Panchayat to impose on any person convicted by it a sentence of imprisonment either substantively or in default of payment of fine.

323. **Power to let off offender after admonition.**—When any person is found guilty of an offence the Nyaya Panchayat finding him guilty may, having regard to the circumstances of the case, including the nature of the offence and the character or antecedents of the offender, if it thinks it expedient to do so, instead of imposing any sentence of fine on the offender let him off after due admonition.

324. Compounding of offences.—Every offence cognizable by a Nyaya Panchayat shall be compoundable.

325. Compensation for false, frivolous or vexatious complaints.—If a Nyaya Panchayat is satisfied, after such enquiry as it thinks fit to make, that a complaint brought before it is false, frivolous or vexatious, it may order the complainant to pay to the accused such compensation not exceeding rupees twenty-five as it thinks fit.

CHAPTER XVII

PROCEDURE

326. Benches of Nyaya Panchayats.—(1) Subject to such rules as may be made in this behalf, a Nyaya Panchayat may discharge its functions under this Act through benches constituted by the Chairman from among its members, each bench consisting of three or more odd number of members.

(2) Every such bench shall, as far as practicable, include a member from the village in which each party to a proceeding before the Nyaya Panchayat ordinarily resides.

327. Procedure in Civil and Criminal cases.—(1) In the trial of any suit or criminal proceeding before it, the Nyaya Panchayat shall in general be guided by the principles of natural justice, that is to say—

(i) if a claim is made against any person or any person is accused of any offence, that person shall be informed as soon as may be of the claim or the grounds of the accusation, as the case may be;

(ii) every such person shall be given a reasonable opportunity of being heard in the matter before any decision is arrived at.

(2) In particular, a Nyaya Panchayat shall—

(*a*) in the trial of suits, follow the procedure specified in Schedule V ; and

(*b*) in the trial of offences, follow the procedure specified in Schedule VI.

328. **Disqualifications for trying a case.**—(1) A member of a Nyaya Panchayat, who is personally interested in any suit or criminal proceeding pending before it, shall be disqualified from trying that case.

(2) If a party to a suit or criminal proceeding before a Nyaya Panchayat objects to any member thereof on the ground that he is personally interested in the suit or proceeding, and the member does not thereupon withdraw from the Nyaya Panchayat, the grounds of objection and the reasons for the continuance of the member shall be recorded.

329. **Sittings to be open to public.**—Subject to such conditions as may be prescribed, the place in which a Nyaya Panchayat holds its sittings shall be deemed to be a place to which the public shall have access.

330. **Power of Nyaya Panchayat to regulate its own procedure in certain matters.**—Subject to the other provisions contained in this Act and any rules made thereunder, a Nyaya Panchayat shall have power to regulate its own procedure, including the fixing of the places and times of its sittings.

331. **Duty of Nyaya Panchayat to effect settlement wherever possible.**—(1) In every proceeding coming before it, it shall be the duty of a Nyaya Panchayat in the first instance to make every endeavour to bring about amicable settlement between the parties.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Nyaya Panchayat may,

for the purpose of bringing about such settlement, adjourn the proceeding and refer the matter to any person or persons nominated by the parties in this behalf with directions to report to the Nyaya Panchayat within a time to be specified by it as to whether a settlement can be and has been effected, and shall dispose of the proceeding conformably to such report.

332. Legal practitioners excluded from appearance.—No legal practitioner shall be permitted to appear on behalf of any party in any proceeding before a Nyaya Panchayat.

333. Appearance by authorised servant, etc.—Notwithstanding any thing contained in section 330, a party to a proceeding may in writing authorise a servant, relation or dependent, not being a legal practitioner, to appear and plead for him before the Nyaya Panchayat :

Provided that in any criminal proceeding the accused shall be present before the Nyaya Panchayat during the trial of the offence.

334. Difficult cases may be referred by Nyaya Panchayats to District or Sessions Court.—(1) When any Nyaya Panchayat is of opinion that any suit or criminal proceeding before it is of such a nature or is so difficult or important that it ought to be tried by a court or that the accused in the criminal proceeding ought to receive a punishment different in kind from or more severe, than that which the Nyaya Panchayat is empowered to inflict, it shall stay the suit or criminal proceeding and refer the matter to the District Court or the Court of Session, as the case may be, for orders.

(2) The District Court or the Court of Session, after considering the case, may direct that the suit or criminal proceeding may be transferred for trial to such civil or criminal court as it may specify in this behalf, or may return the suit or criminal proceeding to the Nyaya Panchayat with suitable directions for trial.

335. Certain laws not to apply to Nyaya Panchayats.—(1) The provisions of the Code of Civil Procedure, 1908 shall not apply to any suit before a Nyaya Panchayat

(2) The provisions of the Code of Criminal Procedure,

(3) Nothing in the Mysore Court Fees and Suits 1898, shall not apply to any criminal proceeding before a Nyaya Panchayat.
Valuation Act, 1958, or the Indian Evidence Act, 1872, shall apply to any proceeding before a Nyaya Panchayat.

CHAPTER XVIII

JUDICIAL CONTROL OF NYAYA PANCHAYATS

336. Power to transfer criminal proceedings.—(1) If it is made to appear to the Court of Session that in the interests of justice it is necessary so to do, it may on application made to it in this behalf transfer any criminal proceeding pending before a Nyaya Panchayat to another Nyaya Panchayat or to a court subordinate to it.

(2) Where any application under sub-section (1) is dismissed, the Court of Session may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one hundred rupees as it may consider proper in the circumstances of the case.

337. Revision in Civil cases.—The District Court may at any time, on its own motion or on application made by an aggrieved person within sixty days of the passing of any decree in a civil suit by a Nyaya Panchayat, call for and examine the record of the case for the purpose of satisfying itself as to the correctness, legality or propriety of the decree, and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as the District Court thinks fit.

338. Revision in Criminal cases.—The Court of Session may, at any time on its own motion or an application made by an aggrieved person within sixty days of the passing of any order or sentence by a Nyaya Panchayat in a criminal case, call for and examine the record of the case for the purpose of satisfying itself as to the correctness, legality or propriety of the order or sentence and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as the Court of Session thinks fit.

339. Decree, etc., not to be modified if substantial justice has been done.—Notwithstanding anything contained in section 337 or section 338, no decree, order or sentence of a Nyaya Panchayat shall be varied or revised merely on the ground of any error, omission or irregularity, if in the opinion of the District Court or, as the case may be, the Court of Session substantial justice has been done to the parties by the Nyaya Panchayat.

340. Power to stay further proceedings.—The District Court or, as the case may be, the Court of Session, may pending the disposal of any proceeding before it under this part direct that,—

(i) the execution of any decree be stayed; or

(ii) further proceedings in respect of any criminal proceeding be stayed or the execution of any sentence be suspended.

341. Order in revision to be final.—Any order passed in revision under the provisions of this Chapter shall be final and no further application for revision or review thereof shall lie.

342. Finality of decrees, etc., of Nyaya Panchayats.—Except as provided in this Chapter, every decree, order or sentence of Nyaya Panchayat shall be final.

CHAPTER XIX.

MISCELLANEOUS.

343. Jurisdiction of Nyaya Panchayat to be exclusive.—Save as provided in this Act, no civil or criminal court shall try any suit or take cognizance of any offence which is triable by a Nyaya Panchayat :

Provided that where any suit or other proceeding is barred by time under this part but is not barred by time under the Limitation Act, 1962, or any other law, the civil or criminal court which would otherwise have been competent to entertain such suit or proceeding may, if it is satisfied that there was sufficient cause for not taking action under this part, entertain such suit or proceeding.

344. Report from Nyaya Panchayat in maintenance cases.—(1) Any magistrate making an enquiry under section 488 of the Code of Criminal Procedure, 1898, may require from the Nyaya Panchayat in whose circle the wife, child, husband or parent resides, a report as to the amount of maintenance which, having regard to the circumstances of the parties, should be made payable, and such report shall be evidence in such enquiry.

(2) For purposes of making a report under sub-section (1), the Nyaya Panchayat shall, after giving a reasonable opportunity to the parties to make representations, hold such inquiry as it deems fit.

(3) No member of a Nyaya Panchayat shall be required to attend as a witness touching any matter on which the report itself is evidence, but the magistrate may call for a further report.

345. Proceeding not to be invalidated by reasons of absence of some members.—(1) Subject to the rules, if any as respects quorum, a Nyaya Panchayat may try any civil suit or criminal proceeding notwithstanding the absence of any member.

(2) No proceeding before a Nyaya Panchayat shall be deemed to be invalid by reason merely that all the members of the Nyaya Panchayat or a bench thereof, as the case may be, were not present at any hearing of the proceeding or that some of the members were not present at all the hearings.

346. **Decision of Nyaya Panchayat.**—Every member of a bench of the Nyaya Panchayat shall record his opinion in every case. Any decision of a Nyaya Panchayat, if it is not unanimous shall be in accordance with the opinion of the majority of the Bench.

347. **Nyaya Panchayat to have no power to alter decision, etc.**—A Nyaya Panchayat shall have no power to cancel, revise or alter any order passed by it, but clerical and arithmetical mistakes in any order or any decree arising therefrom due to any accidental slip or omission may at any time be corrected by the Nyaya Panchayat either on its own motion or on the application of any of the parties.

348. **Records of Nyaya Panchayats to be open to inspection.**—Subject to such rules as may be made in this behalf and to the payment of the prescribed fee, the records of a Nyaya Panchayat shall be open to inspection by, and certified copies thereof shall be given to, such persons as apply for the same.

349. **Inspection of Nyaya Panchayats and training of members thereof.**—(1) The Government may authorise, in consultation with the High Court, any judicial officer or may appoint a special officer for the inspection of Nyaya Panchayats and for the purpose of guiding and training them in the performance of their duties.

(2) Any report of such judicial or special officer shall be submitted to the prescribed authority.

350. **Application of Judicial Officers' Protection Act, 1850.**—The provisions of the Judicial Officers' Protection Act, 1850 and any corresponding law in force in any area

of the State shall apply to members of Nyaya Panchayats in the discharge of their official duties as they apply to judges and magistrates.

351. Members of Nyaya Panchayats, etc., to be public servants.—Every member of a Nyaya Panchayat and every person employed in the discharge of any of the duties or in the exercise of any of the powers vested in a Nyaya Panchayat under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947.

352. Conviction by Nyaya Panchayat not a previous conviction for certain purposes.—A conviction by a Nyaya Panchayat under this Act shall not be deemed to be a previous conviction for the purpose of section 75 of the Indian Penal Code or section 562 or section 565 of the Code of Criminal Procedure, 1898.

353. Removal of members in certain cases.—(1) If, in the opinion of the District Judge * * * * * a member—

(*a*) has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct ; or

(*b*) has absented himself without lawful excuse from meetings of a Nyaya Panchayat so as to render his continuance in office undesirable or has otherwise neglected or refused to perform, or has become incapable of performing any of the duties as a member ; or

* * *

* * *

(*c*) should be removed from office for any other reason in the public interest ;

he may, after giving the member a reasonable opportunity of being heard and after such enquiry as he thinks fit remove him from membership.

(2) Pending such enquiry the member may be suspended from office for such period as the District Judge thinks fit.

(3) A member removed from office under this section shall be disqualified from being chosen as a member of any Nyaya Panchayat for such period as the District Judge may, in the order of removal or in any subsequent order passed in this behalf specify.

354. Power to dissolve Nyaya Panchayat.—(1) If, in the opinion of the Government, a Nyaya Panchayat has abused its powers or has made persistent default in the performance of its functions, the Government may, after giving the Nyaya Panchayat an opportunity of furnishing an explanation, by order notified in the official gazette, dissolve the Nyaya Panchayat,

(2) Where a resolution is passed by the Panchayats within the jurisdiction of a Nyaya Panchayat by a majority of not less than three-fourths of the total membership of each Panchayat that the Nyaya Panchayat may be dissolved, the Government shall by order notified in the official gazette dissolve the Nyaya Panchayat concerned.

(3) Where a Nyaya Panchayat is dissolved, all the members thereof, shall, from the date of the order, be deemed to have vacated their offices.

(4) Where a Nyaya Panchayat is dissolved under sub-section (1), a new Nyaya Panchayat shall be established as soon as practicable in the manner provided in this Act.

355. Power to modify certain provisions of this Act.—Notwithstanding anything contained in this Act, if the Government is of opinion that, having regard to the conditions prevailing in any area, it is necessary or expedient so to do, it may, by notification in the official gazette declare that clause (*a*) of sub-section (2) of section 298, shall not apply thereto or shall apply thereto with such modifications as may be specified in the notificaton.

PART VI—GENERAL

CHAPTER XX

CONTROL

356. State Council for Panchayat Raj.—(1) The Government shall by notification constitute a State Council for Panchayat Raj. The Council shall consist of :

(*a*) The Minister in charge of Panchayat Raj who shall *ex-officio* be the Chairman ;

(*b*) The Presidents of the Zilla Parishads, in the State who shall *ex-officio* be the members ; and

(*c*) Three officers to be nominated by the Government as members.

(2) If there is a Deputy Minister in charge of Panchayat Raj, he shall *ex-officio* be the Vice-Chairman of the Council.

(3) The functions of the Council shall be as follows :—

(*a*) to advise the Government on all general questions pertaining to Panchayat Raj ;

(*b*) to review the administration of the Panchayat Raj bodies and suggest ways of co-ordination ;

(*c*) to suggest ways and means of improving the finances of the Panchayat Raj bodies ; and

(*d*) to consider difficulties experienced in the working of the Panchayat Raj bodies and to suggest remedial measures ; and

(*e*) to report to the Government on such matters as may be referred to it by the Government.

(4) The Government shall appoint an officer to function as Secretary of the Council.

(5) If it shall appear to the State Council for Panchayat Raj that the presence of any officer or person is desirable at any of its meetings for the discussion or consideration of

any question it shall be competent to the Council by letter addressed to such officer or person not less than fifteen days previous to the meeting to require his presence thereat ;

Provided that an officer on receipt of such letter may, if unable to be present himself instruct a deputy or assistant or other competent subordinate as to his views and may send him to the meeting as his representative instead of appearing thereat in person.

(6) The Council shall transact business in such manner and in accordance with such procedure as may be prescribed.

357. **Chief Controlling Authority.**—(1) The Commissioner shall subject to the control and orders of the Government, be the Chief Controlling authority in respect of all matters relating to the administration of this Act, and for that purpose may exercise all powers necessary in that behalf.

(2) In all matters connected with this Act, * * * * the Deputy Commissioners and their subordinates shall be subject to the superintendence, direction and control of the Government, and the Commissioner. * * * * * * * * * * * *

(3) (*a*) The Government may appoint such other officers as it may consider necessary for the purpose of inspecting or superintending the work of the Panchayats and Taluk Boards constituted under this Act.

(*b*) In particular and without prejudice to the generality of the foregoing provisions the Government may appoint District Panchayat Officers and Extension Officers (Panchayats) and specify the territorial jurisdiction of each officer and the powers exercisable by them under this Act.

(4) The officers appointed under Clauses (*a*) and (*b*) of sub-section (3) shall be subject to the superintendence, direction and control of the Commissioner and Deputy Commissioner.

358. **Delegation of Powers.**—(1) The Government may by notification delegate to the Commissioner such of its powers under this Act as may be prescribed except the power to make rules under section 384 or orders under section 424.

(2) The Government may by notification delegate to the Deputy Commissioner or to the Chief Executive Officer any of the powers conferred by or under this Act on the Commissioner.

(3) An Assistant Commissioner of a Revenue Sub-Division may in regard to Panchayats and Taluk Boards exercise such powers conferred on a Deputy Commissioner by or under this Act as the Government may by order published in the official gazette direct.

(4) Subject to such rules as may be prescribed, the Deputy Commissioner or the Chief Executive Officer may delegate to the Tahsildar or the Taluk Development Officer powers conferred on the Deputy Commissioner or the Chief Executive Officer, as the case may be, under this Act in regard to Panchayats.

359. **Powers of inspection and supervision.**—(1) The Commissioner may in respect of Zilla Parishads exercise the following powers:—

(*a*) call for a meeting of the Zilla Parishad or any of its committees if no meeting of such Zilla Parishad or committee has been held in accordance with the provisions of the Act or Rules made thereunder;

(*b*) enter on and inspect any immoveable property occupied by or vested in the Zilla Parishad or any institution under its control or management;

(*c*) call for any extract from the proceedings of any Zilla Parishad or of any committee or for any book or document in the possession of or under the control of a Zilla Parisrad or any return, statement, account, or report;

(*d*) enter the office of a Zilla Parishad and inspect records, registers and other documents; and

(*e*) order a reduction in the establishment of officers and servants of the Zilla Parishad.

360. Chief Executive Officer's powers in respect of Panchayats and Taluk Boards.—(1) The Chief Executive Officer may in respect of Panchayats and Taluk Boards exercise the following powers :—

(*a*) call for proceedings of any Panchayat or Taluk Board or any extract or any book or document in possession of or under the control of Panchayats or the Taluk Boards or any return or statement of account or report ;

(*b*) require a Panchayat or Taluk Board to take into consideration any objection which appears to him to exist to the doing of any thing which is about to be done or is being done by such Panchayat or Taluk Board or any information which appears to him to necessitate the doing of anything by such Panchayat or Taluk Board ;

(*c*) order a duty to be performed within a specified period if a Panchayat or Taluk Board has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Panchayat or Taluk Board within such period as he might fix ;

(*d*) direct a Panchayat to levy any tax if it has failed to do so in accordance with the provisions of this Act ;

(*e*) call for meetings of the Taluk Board or any of its committees if no meeting of the Taluk Board or its commitees has been held as per the Act or Rules.

(2) The Taluk Board may appeal to the Commissioner against any order under clause (*c*) * * of sub-section (1) by the Chief Executive Officer within thirty days from the date of the order.

361. Reduction of Establishment of Panchayats and Taluk Boards.—(1) If in the opinion of the Chief Executive Officer the number of persons employed or proposed to be

employed by a Panchayat or Taluk Board as officers and servants or the amount of remuneration given or proposed to be given by the Panchayat or Taluk Board to such persons is excessive, the Panchayat or Taluk Board shall on a direction issued by the Chief Executive Officer in this behalf reduce the number or the amount :

Provided that no such direction in respect of a Taluk Board shall be issued by the Chief Executive Officer without consulting the Zilla Parishad.

(2) The Panchayat or the Taluk Board may within thirty days of the direction given under sub-section (1) appeal to the Commissioner and the decision of the Commissioner on such appeal shall be final.

362. **Deputy Commissioner's power of suspending execution of orders, etc., of Zilla Parishads and Taluk Boards.**—(1) Except in respect of cases expressly provided for in any other provision of this Act, if in the opinion of the Deputy Commissoner the execution of any order or resolution of a Zilla Parishad or Taluk Board or any order of any authority or officer of a Zilla Parishad or Taluk Board or the doing of anything which is about to be done, or is being done by or on behalf of a Zilla Parishad or Taluk Board, is unjust, unlawful or improper, or is causing or is likely to cause, injury or annoyance to the public or to lead to a breach of the peace, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

(2) When a Deputy Commissioner makes any order under sub-section (1) he shall forthwith forward to the Commissioner and to the Zilla Parishad or Taluk Board affected thereby, a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the Commissioner to confirm or rescind the order or to direct that it continue in force with or without modification permanently or for such period as he thinks fit :

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Commissioner without giving the Zilla Parishad or the Taluk Board concerned a reasonable opportunity of showing cause against the said order.

363. Execution of work in certain cases.—(1) The Deputy Commissioner may provide for the execution of any work or the doing of any act which a Zilla Parishad or Taluk Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary in the interests of the general public, and may direct that the expenses of executing the work or doing the act shall be forthwith paid by the Zilla Parishad or the Taluk Board, as the case may be.

(2) If the expense is not so paid, the Deputy Commissioner may direct the officer in custody of the Zilla Parishad Fund or the Taluk Board Fund, as the case may be, to pay such expense, or so much thereof as is possible from the balance of such fund in his hands.

(3) The provisions of sub-section (2) of section 362 shall apply to every case in which the Deputy Commissioner exercises the powers under sub-section (1).

364. Powers of the Chief Executive Officer in respect of Panchayats.—The Chief Executive Officer may in respect of Panchayats exercise the powers mentioned in sections 362 and 363 and shall forward a copy of his order to the Panchayat and to the Deputy Commissioner who may after such enquiry as he may consider necessary confirm, rescind or modify the order.

365. Powers of Government to issue directions.—(1) Where the functions and duties assigned to Zilla Parishads, Taluk Boards and Panchayats under this Act relate to the same subject, the Government may, from time to time, issue such directions as it may think necessary for avoiding any overlapping of functions, or for determining the

authority competent to perform any function, and thereupon, notwithstanding anything contained in this Act, the Zilla Parishad, Taluk Board or Panchayat shall be bound to exercise its powers, and perform its functions and duties in conformity with such directions and no other body shall be competent to perform such function.

(2) Where it is, in the opinion of the Government, necessary to secure financial participation of the Zilla **Parishads, Taluk Boards or Panchayats in the execution of** general schemes under the State's Five Year Plans undertaken for the benefit of the Zilla Parishads or Taluk Boards or Panchayats generally, the Government may, after consultation with the Zilla Parishads, Taluk Boards or **Panchayats concerned, determine the share of expenditure** on such schemes to be borne by the Zilla Parishads or Taluk Boards or Panchayats and direct the bodies concerned to make the necessary provision in their budgets and to pay to the Government the amounts specified by it.

366. Dissolution or supersession of Panchayat or Taluk Board or Zilla Parishad.—(1) If, in the opinion of the Commissioner, a Panchayat exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, or fails to levy a tax under section 111 or refuses to carry out any of the directions of the Chief Executive Officer, Deputy Commissioner or Commissioner under this Act, the Commissioner may by order published in the official gazette.—

(i) dissolve such Panchayat, or

(ii) supersede such Panchayat for the period specified in the order.

Such period may be longer than the term for which the members of the Panchayat would have held office under section 40, if the Panchayat had not been superseded under this section :

Provided that the Commissioner may from time to time extend or curtail the period of supersession by an order published in the official gazette :

Provided further that no such period shall extend beyond one year, unless the previous sanction of the Government has been obtained.

(2) If in the opinion of the Government, a Taluk Board or a Zilla Parishad exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force or refuses to carry out any of the directions of the Commissioner or Government under this Act, the Government may, by an order published in the official gazette.—

(i) dissolve such Taluk Board or Zilla Parishad ; or

(ii) supersede such Taluk Board or Zilla Parishad for the period specified in the order.

Such period may be longer than the term for which the members of the Taluk Board or Zilla Parishad would have held office under section 149 or section 240 respectively if the Taluk Board or Zilla Parishad had not been superseded under this section :

Provided that the Government may from time to time extend or curtail the period of supersession by an order published in the official gazette ;

(3) Before publishing an order under sub-section (1) or sub-section (2), the Commissioner or the Government shall communicate to the Panchayat or the Taluk Board or the Zilla Parishad, as the case may be, the grounds on which he or it proposes to do so, fix a reasonable period for the Panchayat or the Taluk Board or the Zilla Parishad, to show cause against the proposal, and consider its explanations and objections, if any.

(4) When a Panchayat or Taluk Board or Zilla Parishad is dissolved or superseded all the members of the Panchayat or Taluk Board or Zilla Parishad shall, from

the date specified in the order, vacate their office as such members.

(5) When a Panchayat or Taluk Board or Zilla Parishad is dissolved, it shall be reconstituted in the manner provided in this Act.

(6) If a Panchayat or Taluk Board or Zilla Parishad is superseded—

(*a*) all the powers and duties of the Panchayats or Taluk Board or Zilla Parishad shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner or the Government, as the case may be, may from time to time, appoint in this behalf;

(*b*) all property vested in the Panchayat or Taluk Board or Zilla Parishad shall during the period of supersession, vest in the Government; and

(*c*) on the expiry of the period of supersession, the Panchayat or Taluk Board or Zilla Parishad, shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election or re-nomination.

367. Power to appoint administrator in certain cases.—

(1) Whenever—

(*a*) any general election to a Taluk Board or Zilla Parishad, under this Act or any proceedings consequent thereon have been stayed by an order of a competent Court or authority, or

(*b*) the election of all the members or more than two-thirds of the members of a Taluk Board or Zilla Parishad has been declared by a competent court or authority to be void, or

(*c*) the term or the extended term of office of the members of a Taluk Board or a Zilla Parishad has expired and a new body has not been constituted in accordance with the provisions of this Act, or

(*d*) all the members or more than two-thirds of the whole number of members of a Taluk Board or Zilla Parishad have resigned,

the Government shall, by notification in the official Gazette, appoint an administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment.

(2) Notwithstanding anything contained in this Act, on the appointment of an administrator under sub-section (1), during the period of such appointment, the said Taluk Board or Zilla Parishad and committees thereof and the President, Vice-President, Adhyaksha or Upadhyaksha charged with carrying out the provisions of this Act, or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and charged by the administrator.

(3) The Government may, if it thinks fit, appoint an advisory council to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and the performance and discharge of the duties and functions conferred or imposed on him under this Act or any other law. The members of the advisory council shall hold office during the pleasure of the Government.

368. **Disputes between Panchayats and Taluk Boards and Municipalities and Notified Area Committees in a District.**—If a dispute arises between two or more Panchayats or Taluk Boards or between a Panchayat and a Taluk Board and a Town Municipal Council or Councils or a Notified Area Committee or Committees in a district, the matters in dispute shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

369. **Disputes between Panchayats, Taluk Boards and City Municipalities and between Local Authorities in two**

districts.—If a dispute arises between two or more Panchayats or between two or more Taluk Boards or between a Panchayat and a Taluk Board in different districts or between any Panchayat or Taluk Board in any district and any Town Municipal Council or Notified Area Committee in any other district in the same Division or between any Panchayat or Taluk Board and any City Municipal Council, whether in the same district or in different districts in the same Division, matters in dispute shall be referred to the Commissioner for decision.

370. **Disputes between local authorities in different Divisions and between a Zilla Parishad and the Local Authority.**—Save as provided in section 317 of the Mysore Municipalities Act, 1964, if any dispute as is referred to in section 369 arises between local authorities in different Divisions or between a Zilla Parishad and another local authority the matters in dispute shall be referred to the Government for decision.

371. **Government inquiry.**—(1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into,

(i) any matters concerning the Panchayats, Taluk Boards or Zilla Parishads, or,

(ii) any act or conduct of any local authority, officer or servant, or

(iii) any matter with respect to which the sanction, approval or consent of the Government is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure, 1908, in respect of the following matters :—

(*a*) discovery and inspection ;

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses ;

(*c*) compelling the production of documents ;
(*d*) examining witnesses on oath ;
(*e*) granting adjournments :
(*f*) reception of evidence taken on affidavit ; and
(*g*) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the State of Mysore.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

(5) The Government after considering the report of the inquiry made by the officer appointed under sub-section (1), may give such directions or pass such orders as it considers necessary and where any such direction is given to the local authority, the local authority shall comply with such direction.

(6) It shall be lawful for the Government to give any direction or pass any order under sub-section (5), which any officer subordinate to it could pass under any provision of this Act.

372. **Appeals.**—(1) Any person aggrieved by an original order of the Chief Executive Officer or Deputy Commissioner under this Act may within such period as may be prescribed appeal to the Commissioner.

(2) Any person aggrieved by an original order of the Commissioner under this Act may within such period as may be prescribed appeal to the Government.

(3) The appellate authority may after giving an opportunity to the appellant to be heard and after such enquiry as it deems fit decide the appeal, and its decision shall be final.

373. Revision.—(1) The Government or the Commissioner may call for and examine the record of any proceeddings under this Act of any subordinate officer and after such enquiry as is deemed fit if the Government or the Commissioner, as the case may be, is satisfied that the order of the subordinate officer is contrary to law and has resulted in miscarriage of justice, pass such orders thereon as the Government or the Commissioner deems just.

(2) No order under sub-section (1) shall be made to the prejudice of any party unless he has had an opportunity of being heard.

374. Liability of members for loss, waste or misapplication.—(1) Every member of a Panchayat or Taluk Board or a Zilla Parishad shall be personally liable for the loss, waste, or misapplication of any money or other property of the Panchayat or Taluk Board or Zilla Parishad to which he has been a party, or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.

(2) If, after giving the member or members concerned a sufficient opportunity for showing cause to the contrary the Deputy Commissioner, in the case of members of a Panchayat or Taluk Board or the Commissioner in the case of members of a Zilla Parishad, is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat or Taluk Board or Zilla Parishad is a direct consequence of misconduct or gross neglect on his or their part; the Deputy Commissioner or the Commissioner shall by order in writing direct such member or members to pay to the Panchayat or Taluk Board or Zilla Parishad before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid the Deputy Commissioner shall recover it as an arrear of land revenue and credit it to the Panchayat Fund or Taluk Board Fund or Zilla Parishad Fund, as the case may be.

(4) An appeal shall lie from the decision of the Deputy Commissioner or Commissioner under sub-section (2) to the Commissioner and to the Government respectively and a second appeal from the decision of the Commissioner to the Government.

(5) The provisions of this section shall be in addition to and not in derogation of the provisions of sections 126, 220 and 292.

375. Deputy Commissioner's right to requisition records, etc.—(1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayat or Taluk Board or Zilla Parishad shall on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman, President or Adhyaksha or other person authorised in the requisition to receive the same.

(2) The Deputy Commissioner may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Mysore Land Revenue Act, 1964, (Mysore Act 12 of 1964), for the recovery of the arrears of land revenue from defaulters ; and for the purpose of recovering the accounts, records or other property appertaining to the Panchayat or Taluk Board or Zilla Parishad may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat or Taluk Board or Zilla Parishad are

concealed, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal shall lie from an order of the Deputy Commissioner under this section to the Commissioner.

376. Power over decisions of Committees.—Every Zilla Parishad, Taluk Board or Panchayat shall have power to revise or modify any decision taken by any of its committees.

377. Requisitioning of premises, vehicles, etc., for election purposes.—(1) If it appears to an officer authorised by the Government for the conduct of elections to the Zilla Parishads and Taluk Boards under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act—

(*a*) any premises are needed or are likely to be needed for the purpose of being used as a polling station, or for the storage of ballot boxes after a poll has been taken, or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such election.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning

authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(*a*) " premises " means any land, building or part of a building and includes a hut, shed or other structure or any part thereof ;

(*b*) " vehicle " means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

378. Payment of compensation.—(1) Whenever in pursuance of section 377 the requisitioning authority requisitions any premises, the Zilla Parishad and Taluk Board shall pay to the persons interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say—

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred to the Munsiff having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Munsiff may determine ;

Provided further that, where there is any dispute to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall also be referred by the requisitioning authority to the Munsiff for determination, and shall be determined in accordance with the decision of such Munsiff.

Explanation.—In this sub-section, the expression, "person interested" means the person who was in the actual possession of the premises requisitioned under section 377 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 377, the requisitioning authority requisitions any vehicle, vessel or animal, the Zilla Parishad or Taluk Board shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that, where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within thirty days to the requisitioning authority the matter shall be referred to the Munsiff having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Munsiff may determine :

Provided further that, where immediately before the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

379. Power to obtain information.—The requisitioning authority may, with a view to requisitioning any

property under section 377 or determining the compensation payable under section 378 by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

380. **Power of entry into and inspection of premises, etc.**—(1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so, in what manner an order under section 378 should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions "premises" and vehicle" have the same meaning as in section 377.

381. **Eviction from requisitioned premises.**—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 377, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

382. **Release of premises from requisitioning.**—(1) When any premises requisitioned under section 377 are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge

of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 377 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Tahsildar.

(3) When a notice is affixed on the notice board as provided in sub-section (2) the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof; and the requisitioning authority or the Zilla Parishad or Taluk Board shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

383. Penalty for contravention of any order regarding requisition.—If any person contravenes any order made under section 377 or section 378, he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

CHAPTER XXI

Rules, Regulations, Bye-laws and Penalties

384. Power to make rules.—(1) The Government may by notification and after previous publication make rules to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules—

(*a*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any provident fund which may be established by a Panchayat, Taluk Board or Zilla Parishad ;

(*b*) prescribing the conditions under which and the rates at which payment of travelling expenses shall be made to the members of Zilla Parishads, Taluk Boards and Panchayats ;

(*c*) prescribing the intermediate offices, if any, through which correspondence between Panchayats or Taluk Boards and the Government or Government Officers shall pass ;

(*d*) prescribing the mode of payment from the funds of the Panchayats, Taluk Boards and Zilla Parishads ;

(*e*) prescribing the conditions on which grants-in-aid shall be paid from the funds of the Panchayats, Taluk Boards and Zilla Parishads ;

(*f*) governing the raising of loans by Taluk Boards and Zilla Parishads and the grant of loans to Panchayats ;

(*g*) in respect of the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Panchayats or Taluk Boards or Zilla Parishad, the power to accord technical or administrative sanction to estimates and the purchase of specified stores through any agency.

(*h*) for the application of the funds provided for the developmental functions of the Zilla Parishads and Taluk Boards including those provided for the community development blocks and for the regulation of the conditions of service of the officers and servants placed at the disposal of the Zilla Parishads and Taluk Boards ;

(*i*) in respect of the estimates of receipts and expenditure, returns, statements and reports to be submitted by Zilla Parishads, and Taluk Boards ;

(*j*) in respect of the mode in which the officers of the Government shall advise and assist Taluk Boards and Zilla Parishads in carrying out the purposes of this Act ;

(*k*) in respect of the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of Panchayats, Taluk Boards and Zilla Parishads and with regard to the pay, leave and other conditions of service of such employees ;

(*l*) prescribing the fees for grant of licences or permissions and grant of copies of documents by the Zilla Parishads, Taluk Boards and Panchayats ;

(*m*) for the guidance generally of Panchayats, Taluk Boards, Zilla Parishads, Committees, and Government Officers in all matters connected with the administration of this Act and not herein specifically provided for ;

(*n*) in respect of Nyaya Panchayats for—

(i) the manner in which elections to Nyaya Panchayats may be held and disputes relating thereto settled ;

(ii) the manner in which and the authority by which questions relating to disqualification of members may be decided ;

(iii) the manner in which members shall periodically retire and their places filled, whether by election or co-option, as the case may be ;

(iv) the authority before which members shall take the oath of office, and the allowance if any, payable to members ;

(v) the manner in which the Chairman or Vice-Chairman are to be elected and their powers and duties ;

(vi) the conditions of service of the Secretary and other servants of a Nyaya Panchayat and their duties ;

(vii) the determination of the jurisdiction of Nyaya Panchayats in cases where the scene of

offence is uncertain or where the offence is a continuing one or consists of several acts ;

(viii) the manner in which and the conditions subject to which benches of Nyaya Panchayats may be formed ;

(ix) the manner in which any process issued by the Nyaya Panchayat may be served ;

(x) the procedure to be followed by Nyaya Panchayats in respect of matters within their jurisdiction ;

(xi) the manner in which and the persons by whom oral plaints and complaints and oral depositions are to be recorded ;

(xii) the manner in which any decree or order passed by a Nyaya Panchayat may be executed by way of distraint and sale and the properties exempt from distraint ;

(xiii) the records and registers to be maintained by Nyaya Panchayats and the manner in which they shall be maintained ;

(xiv) the manner in which and the fees subject to the payment of which records of Nyaya Panchayats may be inspected and certified copies obtained ;

(xv) the manner in which the working of Nyaya Panchayats may be inspected and instructions or training given to members ;

(xvi) the audit of any fund placed at the disposal of a Nyaya Panchayat and the head of account to which any money realised by Nyaya Panchayats shall be credited ;

(xvii) the manner in which a member may be removed from office and appeals from any such order of removal ;

(o) in respect of * * * * primary schools transferred to the administration of Zilla Parishads, secondary schools administered by the Taluk Boards and other educational matters for—

(i) regulating the recruitment and the conditions of service of teachers ;

(ii) administration of grants-in-aid to secondary and primary schools ;

(iii) standards of buildings and equipment for secondary and primary schools ;

(iv) powers and functions of the District Educational Officer or other administrative officer in charge of administration of secondary and primary schools ;

(v) inspection of institutions by the officers of the Department of Public Instruction and compliance with observations of the inspecting officers in regard to educational standards followed in the schools ;

(vi) functions devolving on the Zilla Parishads or Taluk Boards or their committees in the matter of enforcement of schemes of compulsory attendance ;

(vii) in regard to maintenance of admission, attendance and other school registers and grant of transfer certificates, age certificates and copies of school records ;

(*p*) prescribing the authorities to whom or the period within which an appeal shall lie in respect of any decision or order under this Act in respect of which there is no specific provision in this Act ;

(*q*) any other matter for which there is no provision or sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of the Act.

(3) In making a rule under this section, the Government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend

to five hundred rupees and where the breach is a continuing one with further fine which may extend to twenty-five rupees for every day on and after the first day on which the breach continues.

385. **Power of Zilla Parishads and Taluk Boards to make regulations.**—(1) A Zilla Parishad or a Taluk Board may subject to the provisions of this Act and the rules made under section 384 and with the previous sanction of the Government by notification make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power—

(A) a Zilla parishad may make regulations:—

(*a*) for regulating the use of public roads; for the temporary occupation or use of public roads and land vested in the Parishad and for securing cleanliness, safety and order in respect of the same;

(*b*) for defining the conditions on or subject to which and the circumstances in which such areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such licence or permission and the rents, fees and other charges leviable for the use of any property belonging to the Zilla Parishad;

(*c*) for the appointment of persons to register sales of animals in a public market and the fixation of the fees leviable by them;

(*d*) for the general or special inspection and control of places used for the sale or hire of animals;

(*e*) for the protection from injury or interference of the property of the Zilla Parishad within the area subject to the authority of the Zilla Parishad;

(f) specifying the powers to be exercised and the duties to be discharged by the committees of the Zilla Parishad ; and

(*g*) for the convening and the conduct of meetings of the committees of the Zilla Parishad and the transactions of business thereat ;

(B) a Taluk Board may make regulations for :—

(*a*) the general or special regulation, inspection and control of (i) musafirkhanas, travellers' bungalows, rest houses, cart-stands and bus-stands ; (ii) markets, slaughter-houses, places for skinning of animals and curing of hides and skins, hotels, bakeries, sweetmeat shops and other places used for sale of articles intended for human food or drink ; (iii) all places in which the produce of animals is sold ; (iv) all places used for the purposes specified in schedule II and

(*b*) for regulating the conduct of business in any of the places specified in clause (a) so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise at such places ;

(*c*) (i) for regulating all matters connected with sanitation ; (ii) for empowering the Taluk Development Officer or any person authorised by the Taluk Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition ;

(*d*) (i) for regulating the use of and the prevention of nuisance in regard to public water supply, bathing and washing places, streams, channels, tanks and wells ; (ii) for requiring private sources of water supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution

and for payment from the Taluk Board Fund of a portion or the whole of the expenses incurred for the purposes; (iii) for setting apart, with the consent of the owner in the case of private sources of water supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose;

(*e*) (i) for prevention of nuisance affecting the health, safety or convenience of the public;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, be cleaned, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;

(*f*) (i) for prevention and spread of dangerous diseases; (ii) for prohibiting the use of any source of water supply whether private or public, during epidemics; (iii) providing for the inspection of persons, travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected to be suffering from any infectious disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof; (iv) for empowering the Taluk Development Officer or any person duly appointed by the Taluk Board to enter any building or premises in which any infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where

immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases; (v) for requiring that articles of clothing or bedding or other articles exposed to infection from infectious disease be washed or disinfected at places notified by the Taluk Board; and for destroying such articles as are likely to retain infection;

(*g*) for regulating the use of public roads; for the temporary occupation or use of the public roads and land vested in the Boards; and for securing cleanliness, safety and order in respect of the same;

(*h*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licence or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such licence or permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the Taluk Board;

(*i*) for licensing of brokers, commission agents, weighmen or measurers pursuing their calling in a public market and for the fixation of the fees leviable by them and the conditions on which the licences are to be granted and may be revoked;

(*j*) for regulating the use and management of and for maintaining in a sanitary condition, any public market and the prohibiting of the levying of unauthorised fees in any public market;

(*k*) for regulating quarrying, blasting, felling trees, or carrying on building operations to prevent danger to human life ;

(*l*) for regulating the establishment of factories in the area set apart for such purpose or prohibiting establishment of factories in areas not set apart for such purposes.

(3) In making any regulations under sub-section (1) or (2), the Zilla Parishad or Taluk Board may provide, that a contravention thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees ;

(*b*) with fine which may extend to fifty rupees, and in case of continuing contravention, with an additional fine which may extend to ten rupees for every day during which such contravention continues after conviction for the first such contravention, or

(*c*) with fine which may extend to ten rupees for every day during which the contravention continues, after receipt of a notice from the Zilla Parishad or Taluk Board or an officer duly authorised in this behalf, by the person contravening the regulation, requiring such person to discontinue such contravention.

(4) Any such regulation may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

(5) All regulations made under this section shall be subject to the condition of previous publication and such publication shall be in the official gazette and in such other manner as may be prescribed.

386. **Power of Panchayats to make Bye-laws.**— (1) A Panchayat may, subject to the provisions of this Act and the rules made under section 384 and the regulations made under section 385 and with the previous sanction of the Chief Executive Officer make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Panchayat may make bye-laws—

(*a*) for the purification and protection from pollution of all sources of water used for drinking purposes ;

(*b*) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health and the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable ;

(*c*) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience ;

(*d*) for the regulation of dangerous or offensive callings or trades ;

(*e*) for the disposal of corpses by burning or burial ;

(*f*) for excavation of earth and filling up of excavations and depressions injurious to health or offensive to the neighbourhood.

(*g*) for the removal of noxious vegetation ;

(*h*) for the repair and removal of dangerous or ruinous buildings ;

(*f*) for the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets ;

(*j*) for the control of fairs and bazars and the regulation of markets, slaughter-houses and cart-stands ;

(*k*) for the inspection and destruction of unfit food and drink exposed for sale ;

(*l*) for general regulation of sanitation and conservancy ;

(*m*) for determining the items subject to the levy of octroi and the rates of octroi, taxes, water rate and fees under sub-sections (4), * * (6) and (7) of section 113.

(*n*) the management and maintenance of cattle pounds : and

(*o*) performance of other duties assigned by the Government.

(3) In making any bye-laws under sub-sections (1) and (2), the Panchayat may provide that a contravention thereof shall be punishable—

(*a*) with fine which may extend to twenty-five rupees ;

(*b*) with fine which may extend to twenty-five rupees, and in case of continuing contravention with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention, or

(*c*) with fine which may extend to two rupees for every day during which the contravention continues, after receipt of a notice from the Panchayat or officer duly authorised in this behalf, by the person contravening the bye-law requiring such person to discontinue such contravention.

(4) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

387. **Penalty for acting as Member, Chairman or Vice-Chairman of a Panchayat or as a Member, President or Vice-President of a Taluk Board or as Member, Adhyaksha or Upadhyaksha when disqualified.**—(1) Whoever acts as a member of a Panchayat or Taluk Board or Zilla Parishad when he knows that, under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall on conviction, be punished with fine of fifty rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Chairman or Vice-Chairman of a Panchayat or as President or Vice-President of a Taluk Board or Adhyaksha or Upadhyaksha of a Zilla Parishad or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Chairman or Vice-Chairman of a Panchayat or President or Vice-President of a Taluk Board or Adhyaksha or Upadhyaksha of a Zilla Parishad fails to hand over any document of, or any moneys or other properties vested in or belonging to the Panchayat or the Taluk Board or the Zilla Parishad as the case may be, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(*a*) in every case as soon as his term of office as such Chairman, Vice-Chairman, President, Vice-President, Adhyaksha or Upadhyaksha expires : and

(*b*) in the case of a person who was the Vice-Chairman or Vice-President or Upadhyaksha on demand by the Chairman, President or Adhyaksha as the case may be,

shall, on conviction, be punished with a fine which may extend to one thousand rupees.

388. **Penalty for interested member voting.**—Whosoever votes as a member of a Panchayat or Taluk Board or Zilla Parishad in contravention of the provisions of sub-section (4) of section 54, or clause (*h*) of sub-section (2) of section 161, or clause (*g*) of sub-section (2) of section 251, shall, on conviction, be punished with fine which may extend to five hundred rupees.

389. Penalty for acquisition by an officer or servant of interest in contract.—If any officer or servant of a Panchayat or Taluk Board or Zilla Parishad knowingly acquires, for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of, the Panchayat or Taluk Board or Zilla Parishad, he shall, on conviction, be punished with fine which may extend to five hundred rupees :

Provided that no person shall, by reason of being a share-holder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Taluk Board or Zilla Parishad unless he is a director of such company :

Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with the Panchayat or Taluk Board or Zilla Parishad.

390. Wrongful obstruction of certain officers or their delegates.—Any person who prevents the Secretary of a Panchayat or the Taluk Development Officer or the Chief Executive Officer or any person to whom such officer has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or therein shall on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

391. Prohibition against obstruction of Chairman, President, Adhyaksha, etc.—Any person obstructing a Chairman, Vice-Chairman, Secretary or member of a Panchayat or a President, Vice-President, Taluk Development Officer or member of a Taluk Board, or Adhyaksha, Upadhyaksha, Chief Executive Officer or any person employed by the Panchayat or Taluk Board or Zilla Parishad or any person with whom a contract has been

entered into by or on behalf of the Panchayat or Taluk Board or Zilla Parishad in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, bye-law, regulation or order made thereunder shall on conviction be punished with fine which may extend to one hundred rupees.

392. Prohibition against removal or obliteration of notice.—Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of, a Panchayat or Taluk Board or Zilla Parishad or its executive authority, shall, on conviction, be punished with fine which may extend to fifty rupees.

393. Penalty for not giving information or giving false information.—Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

394. Bidding prohibited.—(1) No member of a Panchayat or a Taluk Board or Zilla Parishad, employee of a Panchayat or a Taluk Board or Zilla Parishad or any officer having any duty to perform in connection with the sale of moveable or immoveable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Panchayat or Taluk Board or Zilla Parishad shall also be liable to dismissal from service.

395. Posting of Officers to Zilla Parishad and Taluk Board.—For the purpose of enabling a Zilla Parishad or Taluk Board to discharge the duties and functions

imposed by this Act, the Government may post from time to time such officers of the State and of the All India and State Services as the Government consider necessary for the work of the Parishad or Board.

CHAPTER XXIII

MISCELLANEOUS

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396. Application of the term "Public Servant" to members of Panchayats, Taluk Boards and Zilla Parishads and their officers and servants.—Every member of a Panchayat or Taluk Board or Zilla Parishad and every officer and servant employed under a Panchayat, Taluk Board or Zilla Parishad shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947 (Central Act II of 1947), for the time being in force.

397. Special assistance to Panchayats and Taluk Boards.—(1) The Government shall annually assign to

(i) the Taluk Boards in the State an amount equal to three and three-fourths per cent of the land revenue collection of the State ; and

(ii) the Panchayats in the State an amount equal to three and three-fourths per cent of the land revenue collection of the State ;

to be expended on such purposes as the Government may from time to time direct. The amount to be assigned to any Taluk Board or Panchayat shall be determined by the Government by order from time to time.

(2) Land Revenue collection of the State for the purposes of sub-section (1) shall mean—

(*a*) until the revision settlement of land revenue under Chapter X of the Mysore Land Revenue Act, 1964, the land revenue determined on the basis of the land revenue collection of the State for a period of three years preceding the date of such determination ;

(*b*) after the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the assessment is made.

(3) Where any village is situate in a forest area or where a taluk is largely covered by forests, the Government shall pay to the Panchayat or to the Panchayats and to the Taluk Board concerned in each year such amount out of the forest revenue of the taluk collected in the revenue year immediately preceding, as it may determine.

398. Fines to be credited to Panchayat or Taluk Board, or Zilla Parishad Funds.—(1) All fines imposed by a Magistrate for any offence under this Act or under any rule or bye-law made thereunder in any prosecution instituted by or on behalf of a Panchayat shall be credited to the Panchayat Fund of such Panchayat.

(2) All fines imposed by a Magistrate for any offence under this Act or under any rule or regulation made thereunder in any prosecution instituted by or on behalf of a Taluk Board shall be credited to the Taluk Board Fund of such Taluk Board.

(3) All fines imposed by a Magistrate for any offence under this Act or under any rule or regulation made thereunder in any prosecution instituted by or on behalf of a Zilla Parishad shall be credited to the fund of such Zilla Parishad.

399. Damage to any Panchayat, Taluk Board or Zilla Parishad Property how made good.—If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Panchayat or Taluk Board or Zilla Parishad shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue a warrant accordingly.

400. Restrictions with respect to institution of suits against a Panchayat, Taluk Board or Zilla Parishad.—(1) No suit for damages or compensation shall be instituted against any Panchayat or Taluk Board or Zilla Parishad or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Panchayat or Taluk Board or Zilla Parishad or at the place of abode of such officer or person ; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1) tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurrred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, officer or servant of the Panchayat or Taluk Board or Zilla Parishad or any person acting under its direction, the Chief Executive Officer shall determine whether defence should be undertaken by the Panchayat or Taluk Board or Zilla Parishad and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

401. Government not to obtain licences and permissions.—Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or in respect of any property of the Central Government or of the State Government.

402. Injunctions not to be granted in election proceedings.—Notwithstanding anything contained in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

403. Punishment for disobedience of orders and notices not punishable under any other section.—Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Panchayat, Taluk Board or Zilla Parishad under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Panchayat, Taluk Board or Zilla Parishad under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable.

404. In default of owner or occupier, Panchayat, Taluk Board, etc., may execute works and recover expenses.—(1) Whenever under the provisions of this Act any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Panchayat, Taluk Board or Zilla Parishad, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IV or IX or XIII either in one sum or by instalments as the Panchayat, Taluk Board Zilla Parishad may deem fit.

(2) If the defaulter be the owner of the building or land, the Panchayat, Taluk Board or Zilla Parishad may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier; and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IV, IX or XIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payble at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and

become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the Panchayat, Taluk Board or Zilla Parishad truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expense of any such works as aforesaid.

405. Expenses or costs how determined and recovered.—If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Panchayat, Taluk Board or Zilla Parishad and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IV, IX or XIII.

406. Bar of suits, etc.—(1) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall lie against the Commissioner, Deputy Commissioner, Chief Executive Officer, or any other officer of the Government or a Panchayat or Taluk Board or Zilla Parishad or any member, officer, servant or agent of such Panchayat or Taluk Board acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or

order made thereunder except with the previous sanction of the Government or such officer as the Government may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, any rule, regulation or bye-law made thereunder.

407. Jurisdiction of Magistrate.—Any prosecution under this Act or under any rule, regulation or bye-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule, regulation or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

408. Alternative procedure by suit.—In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapters IV, IX or XIII or of any compensation, expenses, charges or damages awarded under this Act, the Panchayat or Taluk Board or Zilla Parishad may sue in any court or competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Panchayat or Taluk Board or Zilla Parishad.

409. Punishment for offences under this Act and powers to compound.—(1) Whoever,—

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 70 or in contravention of any of the conditions imposed by it;

(*b*) uses any place without a licence required by sections 72, 73, 74, 75, or 184 or in contravention of any of the conditions, or during the suspension of the license, or

(*c*) contravenes any other provision of the Act, shall on conviction be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (*b*) of sub-section (1) in respect of any place, the Magistrate shall on the application of the Panchayat or Taluk Board or Zilla Parishad as the case may be but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues so to use or permits such use of, the place after it has been so ordered to be closed.

(3) (*a*) A Panchayat or Taluk Board or Zilla Parishad or such officer as the Commissioner or Chief Executive Officer in respect of Panchayats may authorise may accept by way of composition a sum of money not exceeding five hundred rupees from any person who, in the opinion of the Panchayat or Taluk Board or Zilla Parishad or the authorised officer, as the case may be, has committed—

(i) any of the aforesaid offences referred to in sub-section (1) or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder which may by notification be declared by the Government as compoundable;

and on such composition no proceeding shall be taken against such person in respect of such offence.

(*b*) On the composition of any offence under clause (*a*) if proceedings in any Criminal Court have been instituted against the person concerned in respect of the offence the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

410. Powers of Police Officers.—(1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any rule, regulation or bye-law thereunder, if the name and address of such person be not known to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station house until his name and address shall be correctly ascertained.

(2) Any person arrested under sub-section (1) shall be informed as soon as may be of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) It shall also be the duty of all police officers to give immediate information to the Chairman or Secretary of the Panchayat or President or Taluk Development Officer of the Taluk Board or Adhayaksha or Chief Executive Officer of the Zilla Parishad of the commission of any offence against the provisions of this Act or of any rule, regulation or bye-law thereunder and to assist all officers and servants of the Panchayat or Taluk Board or Zilla Parishad in the exercise of their lawful authority.

411. Annual Administration Report.—(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Commissioner, the President shall place before the Taluk Board a report on the administration of the Board during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Taluk Board thereon to the Zilla Parishad, not later than such date as the Commissioner may fix.

(2) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer shall prepare a report on the administration of the Zilla Parishad during the preceding year including a report on the working of the Taluk Boards in the District and an account of the audit notes and replies thereto in such form and with such details as the Government may direct and submit the report to the Zilla Parishad. After approval by the Parishad the report shall be submitted to the Commissioner and to the Government.

(3) The reports submitted to the Government under sub-section (2) shall together with a memorandum by the Government reviewing the working of the Boards, be laid before both Houses of Legislature.

412. Adjustment of Government dues, etc.—If a Panchayat or Taluk Board or Zilla Parishad makes default in the payments of any amounts, loan instalments or interest due to the Government, or the salaries, allowances or leave and pensionary contributions of Government servants deputed for service under a Panchayat, Taluk Board or Zilla Parishad, the Government may make an order directing the person having the custody of the Panchayat, Taluk Board or Zilla Parishad fund, to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such fund admit, be bound to comply with the order.

413. Power of Government to dissolve and reconstitute Taluk Boards and Zilla Parishads on the alteration of limits of Taluks and Districts.—(1) When, on account of the constitution of a new taluk or district or for any other reason, the limits of a taluk or district are, during the term of office of the members of a Taluk Board or Zilla Parishad, altered, the Government may, by order published in the official gazette, dissolve such Taluk Board or Zilla Parishad

from a date specified in the order and direct that a Taluk Board or Zilla Parishad—

(i) be reconstituted for the taluk of which the Taluk Board or the district of which the Zilla Parishad has been dissolved ; or

(ii) be established for a new taluk or district which has been constituted.

(2) The members of the Taluk Board or Zilla Parishad which has been dissolved under sub-section (1) shall vacate their office from the date specified in the order of the Government.

(3) The Taluk Board or Zilla Parishad reconstituted or established under the provisions of sub-section (1), shall consist of members nominated by the Government and such members shall, as far as may be practicable, be persons who are members of the Taluk Board or Zilla Parishad which has been dissolved under sub-section (1).

(4) The President and the Vice-President of the Taluk Board or the Adhyaksha and Upadhyaksha shall be elected in the manner provided in this Act.

(5) The term of the Taluk Board or Zilla Parishad so reconstituted or established shall be for such period, not exceeding one year, as the Government shall, by order in writing specify.

(6) On the expiry of the term of the Taluk Board or Zilla Parishad in accordance with the provisions of sub-section (5), a Taluk Board or Zilla Parishad shall be constituted in the manner provided by this Act.

(7) When a Taluk Board or Zilla Parishad has been dissolved and reconstituted or established under this section, so much of the Taluk Board or Zilla Parishad Fund and other property vesting in the Taluk Board or Zilla Parishad which has been dissolved shall vest in and such portion of the debts and obligations shall be transferred to the Taluk Board or Zilla Parishad reconstituted or established under this section, as the Government may by order in writing direct.

(8) The rights and liabilities of the Taluk Board or Zilla Parishad which has been dissolved in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the order, subject to the authority of the Taluk Board or Zilla Parishad reconstituted or established, shall vest in such Taluk Board or Zilla Parishad.

(9) Any appointment, notification. notice, tax, order, scheme, licence, permission, rule, regulation, or form made, issued, imposed or granted by the Taluk Board or Zilla Parishad which has been dissolved in respect of any part of the area subject to the authority of the Taluk Board or Zilla Parishad which has been reconstituted or established, shall be deemed to have been made, issued, imposed or granted by such Taluk Board or Zilla Parishad, unless and until it is suspended by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation or form made, issued, imposed or granted by such Taluk Board or Zilla Parishad.

(10) If any difficulty arises in giving effect to the provisions of the preceding sub-sections, the Government may by order published in the official gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

414. Transfer of property may be subject to conditions.—The grant, lease, sale or other transfer of moveable or immoveable property by a Panchayat, Taluk Board, or Zilla Parishad may be subject to such conditions as the Panchayat, Taluk Board or Zilla Parishad may specify, and notwithstanding anything contained in the Transfer of Property Act, 1882 or any other law for the time being in force, the grant, lease, sale or other transfer shall be subject to such conditions.

415. Saving of acts and proceedings.—No act done or proceedings taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

416. Procedure for consultation.—Whenever any action has to be taken under this Act after consultation with any authority or body, such consultation shall be deemed to have been made if the authority or body concerned had been informed of the proposed action and given a reasonable time to furnish its views.

417. Method of serving notices, etc.—(1) Save as otherwise provided in this Act, the service of any notice or other document under this Act or order made thereunder on any person to whom it is by name addressed shall be effected—

(*a*) by giving or tendering the said notice or document to such person ; or

(*b*) if such person is not found by leaving such notice or document at his last known place of residence or business, or by giving or tendering the same to some adult male member or servant of his family ; or

(*c*) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post ; or

(*d*) If none of the means aforesaid be available, by affixing such notice or document upon some conspicuous part of the house, if any, in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them ; or

(*b*) If no such owner or occupier be found, then by giving or tendering the notice or document to some adult male member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Panchayat or Taluk Board or Zilla Parishad to give or to serve either as a public notice, or generally, or by provisions, which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Panchayat or Taluk Board or Zilla Parishad Office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the Panchayat or Taluk Board or Zilla Parishad may in this behalf direct.

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice of other document served under this Act or the rules, regulations, bye-laws, or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided such period shall, in the absence of any provision to the contrary in this Act or the said rules, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this Act, or any rule, regulation, bye-law or order requires any act to be done for which no time is fixed the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice it shall be lawful for the Panchayat or the Taluk Board or Zilla Parishad or an officer authorised by it to take such action or such steps as may be necessary for the doing of the Act thereby required to be done, and all the expenses therein incurred by the Panchayat or Taluk Board or Zilla Parishad shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 118 or 222.

418. Power of Government to adapt laws.—For the purpose of bringing the provisions of any law in force into accord with the provisions of this Act, the Government may by order published in the official gazette make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

Explanation.—The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all, or any particular areas in the State.

419. Transitory Provisions.—(1) Notwithstanding anything contained in this Act—

(*a*) until the constitution of Panchayats in accordance with the provisions of this Act the body functioning as the Panchayat immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act, on a Panchayat and shall be entitled to the grants and other benefits accruing to the Panchayats under this Act.

(*b*) until the constitution of a Taluk Board in accordance with the provisions of this Act the body functioning as the Taluk Board immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Taluk Board and shall be entitled to the grants and other benefits accruing to the Taluk Boards under this Act.

(2) Casual vacancies in the Panchayats and Taluk Boards functioning under sub-section (1) shall be filled and all matters in connection with the filling up of such

vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications in such provisions as the Government may by notification make in such rules.

(3) The term of office of the members referred to in clauses (*a*) and (*b*) of sub-section (1) shall extend to or expire on as the case may be such date as the Government may by notification appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members.

420. Repeal and savings.—(1)The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959)

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(2) The Mysore Village Courts Act, 1913 (Mysore Act 7 of 1913),

(3) The Coorg Village Panchayat Act, 1926,

(4) The Bombay Primary Education Act, 1947 except sections 1 and 41 thereof,

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(5) The Madras Village Courts Act, 1888 (Madras Act I of 1889),

(6) The provisions of Chapters VI, VII and VIII of the Bombay Village Panchayats Act, 1933 (Bombay Act VI of 1933),

(7) Section 4 of the Coorg Land Cess and Taxes Act 1954,

are hereby repealed.

Provided that such repeal shall not effect :

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder ; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments ; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments ; or

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that—

subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made tax, fee or cess imposed, village declared, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act :

Provided further that the assets and liabilities of the District Board or District Local Boards whether distributed to the Taluk Boards of the district or not, and all contracts made by or on behalf of a District Board or District Local Board constituted under the following enactments, subsisting on the day of the introduction of this Act may be transferred by Government to the Zilla Parishad established

or the same district in accordance with such orders as the Government may make ;

(i) The Mysore Village Panchayats and District Boards Act, 1952 (Mysore Act 4 of 1952);

(ii) The Bombay Local Boards Act, 1923 (Bombay Act 6 of 1923);

(iii) The Madras District Boards Act, 1920 (Madras Act 14 of 1920);

(iv) The Hyderabad District Boards Act, 1956 (Hyderabad Act 1 of 1956):

Provided further that all assets and liabilities and all contracts made by or on behalf of the District School Boards established under the Bombay Primary Education Act, 1947 before the date of commencement of this Act and subsisting on that day shall stand transferred to the Zilla Parishad of the District or other authority in accordance with such orders as the Government may make :

Provided further that all rights, obligations, assets and liabilities and all contracts acquired or made by or on behalf of Municipal School Boards established under the Bombay Primary Education Act, 1947, before the date of commencement of this Act and subsisting on that day shall stand transferred to the Municipal Council or other Municipal body or other authority in accordance with such orders as the Government may make :

Provided further that the officers, teachers and servants in the employ of the District School Board immediately before the date of commencement of this Act shall be absorbed in the service of the Zilla Parishad or of the Government as may be determined by the Government and shall until other provision is made, receive the salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date.

421. Amendment of Mysore Act 30 of 1958.— In section 17 of the Mysore Entertainments Tax Act, 1958,

the following proviso shall be inserted after the first proviso to sub-section (1), namely :—

"Provided further that the State Government shall distribute the balance of tax collected in an area within the jurisdiction of a Town or Village Panchayat equally between the Panchayat and the Taluk Board within whose jurisdiction the Panchayat is situate."

422. Amendment of Mysore Act 9 of 1961.—In section 15 of the Mysore Compulsory Education Act, 1961 for clauses (*c*) and (*d*), the following clauses shall be substituted, namely :—

"(*c*) If the person committing the offence resides in a village within the jurisdiction of a Nyaya Panchayat, the Nyaya Panchayat having jurisdiction in such village ;

(*cc*) If the person committing the offence resides in any village other than a village referred to in clause (*c*) within the jurisdiction of a Village Panchayat or a Town Panchayat constituted under the Mysore Panchayat Raj Act of 1965, the Primary School Panchayat Court constituted as specified in section 16 for that village ;

(*e*) If the person committing the offence resides in any area other than an area to which clause (*a*), (*b*), (*c*) or (*d*) is applicable, the Court of the Magistrate having jurisdiction in such area."

423. Amendment of Bombay Act 61 of 1947.—In sub-section (1) of section 41 of the Bombay Primary Education Act, 1947, the words " and the Government shall pay over annually to the District School Board for the purpose of primary education, education cess collected in the area within the jurisdiction of the District School Board ", shall be omitted.

424. Orders for bringing this Act into force.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government

may by order published in the official gazette make such provision as appears to it to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation;

(*b*) for making omissions from, additions to and adaptations and modifications of the rules, regulations, bye-laws, notifications and orders referred to in the second proviso to section 420 in their application to the local authorities established or continued under this Act;

(*c*) for removing difficulties arising in connection with the transition to the provisions of this Act including difficulties in the construing of references to District Development Councils or other authorities in any law;

(*d*) for authorising the continued carrying on for the time being on behalf of the local authorities of services and activities previously carried on by any of the local authorities; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall subject to the provisions of section 425, have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

425 Certain rules and orders to be laid before the Houses of the State Legislature.—(1) Every rule made under section 384 and every order made under section 424 shall be laid, as soon as may be after it is made, before each House

of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or order or directs that any rule or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(2) Any rule under this Act may be made to have effect retrospectively and when any such rule is made, a statement specifying the reasons for making such a rule shall be laid before both Houses of State Legislature along with the rule under sub-section (1). All rules made under this Act shall, subject to any modification made under sub-section (1), have effect as if enacted in this Act.

SCHEDULES.

SCHEDULE I.

(Section 113).

A. Tax on property.—

	RATE OF TAX	
	Minimum	*Maximum*
1. Tax on Buildings	10 P.	25 P.
	(Per annum for every rupees hundred of capital value).	

Explanation (*1*);—"Building" includes land appurtenant to such building used as garden and grounds or used for storage of agricultural produce or other purpose and for the more beneficial enjoyment of such building.

Explanation (*2*).—"Capital value" means the estimated market value at the time of assessment.

2. Tax on lands other than lands appurtenant to buildings not subject to Agricultural assessment	40 P. Per annum.	
	(Per annum For every one hundred sq. yards).	

B. Tax on professions, trades, callings and employments

Class I.—	Rs.	Rs.
Every person holding any office or appointment, public or private or employed in any capacity, whose pay, or salary amounts to more than Rs. 30,000 and every person falling under any of the following denominations whose income is estimated to amount to more than 30,000 per year.	200	250

(i) carrying on business as a company ;

(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioners and commission agents ;

(iii) bankers, money-lenders, money changers and pawn-brokers ;

(iv) editors and proprietors of news papers ;

(v) brokers, and dealers in securities, shares or bills, bills of exchange ;

(vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents.

(vii) practising medical practitioners of all kinds including hakims and vaidyas ;

(viii) dentists and veterinary surgeons ;

(ix) architects and civil engineers ;

(x) owners and farmers of markets ;

(xi) keepers of hotels, lodging houses, boarding houses;

(xii) builders and surveyors ;

	Rate of Tax	
	Minimum	Maximum Per annum
	Rs. P.	Rs.
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds;		
(xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers;		
(xv) dealers in animals or vehicles, and owners, or keepers of livery stables or hackneys carriages;		
(xvi) artizans.		
Class II.—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount, more than Rs. 24,000 but not more than Rs. 30,000 per year;		
Class III.—		
Every person described in class I whose pay, or salary amounts or whose income is estimated to amount, to more than Rs. 18,000 but not more than Rs. 24,000 per year.		
Class IV.—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount, to more than Rs. 12,000 but not more than Rs. 18,000 per year.		100
Class V.—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount, to more than Rs. 9,600 but not more than Rs. 12,000 per year.		
Class VI—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount, to more than Rs. 6,000 but not more than Rs. 9,600 per year.		
Class VII—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount to more than Rs. 3,600 but not more than Rs. 6,000.		
Class VIII—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount to more than 2,400 but not more than Rs. 3,600 per year.		

	Rate of Tax	
	Minimum	Maximum Per annum
	Rs. P.	Rs.
Class IX—		
Every person described in Class I whose pay, or salary amounts, or whose income is estimated to amount to more than Rs. 1,200 but not more than Rs. 2,400 per year.	2 00	
Class X—		
Every person described in Class I whose pay, or salary pay, salary or pension amounts. or whose income is estimated to amont to more than Rs. 600 but not more than Rs 1,200 per year.		
C. Tax on entertainments.	5 00 Per entertainment	20
*	*	*
D. Vehicle Tax.		
For every bicycle * *	2 00	4
For every four wheeled vehicle with springs constructed to be drawn by two or more horses;	8 00	20
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses. * * * bulls or bullocks;	4 00	10
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks;	2 00	
For every other vehicle with springs; ..	2 00	
For every cart or other vehicle without springs; ..	1 00	
E. Fee on Bus Stands ..	0 10 per	0 25 bus.
F. Fee on Markets.		
For every plot measuring not more than one square meter.	0 15 per day 4 00 per month	3 30 per day 8 00 per month
For every additional plot of one Square meter or part thereof.	0 08 per day 2 00 per month	0 15 per day 4 00 per month
Per basket or bag of any commodity.	0 04	0 08
Per cart-load -do-	1 00	2 00
G. Fee on Cart Stands:	0 10	0 25
		Per Cart per day.

II. RATES OF OCTROI.

		Octroi leviable per ten kilograms of gross weight except where otherwise stated Maximum
	1	2
	Class I—Articles of food and drink—	
		Rs. P.
1	Refined sugar, sugar candy, boora and all kinds of sugar not in bottle.	0 20
2	Gur, jaggery and other kinds of unrefined sugar	0 10
3	Ghee including vegetable ghee, and admixtures of ghee also vegetable solidified oil, dripping, marvo, trex, cocogold, purico, crisco and cocogem and other edible oils not specified in any other items.	0 50
4	Butter and cream ..	0 50
5	Dried fruits, groundnut seeds and nuts excluding betel nuts.	0 05
6	Groundnut (unshelled) ..	0 02
7	Betel nuts ..	0 10
	* *	
8	Fresh meat, fish and eggs	1 00
9	Dried fish	2 00
10	Potatoes and onions	0 02
14	Copra	0 50
12	Uncured coffee (Cherry/Parchment)	0 07 (per forlit)
13	Clean coffee (Pounded/Hulled).	0 30 (per 50 kilo grams).
14	Tea (Indian or Foreign)	Two per cent advalorem:
15	Coconuts	0 50 per hundred
16	Betel leaf	0 01 per bundle of 100 leaves.
17	Pulses ..	0 02
18	Grain * * including parched grains ..	0 01
19	Wheat flour, maida flour, soji and other wheat products.	0 03
20	Flour other than those mentioned in item 18 ..	0 02
21	Animal fat, tallow and oil of all kinds except oils mentioned in Classes III, V and IX.	0 05

	1	2
		Maximum
22	Glaxo, Horlicks, malted milk, biscuits, tinned meat and other foods.	Two per cent *ad valorem*
23	Cardamom	One per cent *ad valorem*
	* * *	*
24	Oranges, apples, grapes, lichi,, melon (kharbooza,) lemon (of all kinds), pears (nashpati), plums (alucha), apricot (khubani), banana, pomegranates, sarda, water melons, custard apple, raspberry and other fruits.	One per cent *ad valorem*
25	Country and foreign liquors ..	Two per cent *ad valorem*
26	Bhang ..	Two per cent *ad valorem*
	* * *	*
27	Provisions (not included in any other class) including oilman's stores, confectionery, jams, pickles, cheese and essences of fruits.	Two per cent *ad volerem*
	Class II—Animals—	
1	Oxen, cows, buffaloes and calves (per head) ..	0 35
2	Sheep, goats, lambs and kids (per head) ..	0 10
3	Pigs (per head) ..	0 35
	Class III—Articles used for fuel, lighting and washing—	
		Rs. np. per litr
	Kerosene oil	0 01
	Petrol	0 02
4	Diesel oil	0 01
5	Methylated spirit	0 03
6	All sorts of oil seeds including cotton seeds but not including groundnut.	0 03
7	Wax and tallow candles	Two per cent *ad valorem*
	Chandeliers, globes, lamps, chimneys and all other articles made of glass intended for electric or gas lighting, etc., (except electric bulbs).	Two per cent
8	Chandeliers, globes, lams, lanterns, electric poles. electric bulbs and all other articles made of metal intended for electric or gas lighting, etc.	Two per cent
9	Potash, soda, saltpetre, alum salt and other saline substances.	Two per cent
10	Soap of all kinds	Two per cent
11	Carbide	Two per cent
12	Fireworks and their component parts ..	Two per cent
13	Steam coal, soft coke and hard coke ..	Two per cent
14	Soapnut and Soapnut powder	One per cent

1		2
Class IV—Articles used in the construction of buildings.—		
1	Teak and Rosewood—	Rs. p.
	(i) unsawn	4 00 per cubic metre.
	(ii) sawn	5 00 per cubic metre
	(iii) manufactured	6 00 per cubic metre
2	Soft wood, sawn, unsawn or manufactured ..	1 00 per cubic metre
3	Wood other than Teak, Rose or soft wood but not firewood—	
	(i) unsawn	2 00 per cubic metre
	(ii) sawn	3 00 per cubic metre
	(iii) manufactured	4 00 per cubic metre
4	Bamboos (per hundred)	1 00
5	Stone for building (except Agra stone as defined in item 6 below, marble and lime-stone), Shahabad stones, Badami stones, bajri, cuddappa slabs, kankar, lime of kankar, coal ashes, surkhi, brick-bats or broken bricks.	Two per cent *ad valorem*
6	Agra stone, *i.e.*, stone so named in the market irrespective of its place of origin.	Two per cent *ad valorem*
7	Chalk, chalk powder, lime stone, lime, flooring stone and white and coloured stone chips.	0 02
8	Dammar, bitumen and asphalt	0 02
9	Cement (per bag)	0 05
10	Marble and tiles of all kinds (other than those referred in item 11).	0 15
11	Tiles of common earth, *e.g.* Country tiles (per thousnd).	0 37
12	Marble chips	Three per cent. *ad valorem.*
13	Asbestos sheets	Two per cent *ad valorem*
14	Whole bricks of all sizes (per thousand) ..	0 50
15	Paints and colour washes	Two per cent *ad valorem*
16	Roofing felt, roofing board and canec insulating and co rd.	Three per cent *ad valorem*
Class V—Drugs, spices and perfumes—		
1	All foreign medicines, including mineral waters, syrups and medicinal tinturcs, soda, bicarb and caustic soda (imported in packaes or boxe) sulphor in bottles and packets, iron sulphate, barium sulphate, hæmorrhagic septicæmia rum, dextrosol, caster oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milks, medicated colcured and fragrant syrup.	Two per c *ad valorem*

1		2
		Rs. P.
2	All Indian medicines including gulqand, sharbat in bottles, soda bicarb and caustic soda (imported in bags or drums), Amritanjan, ivory dust, Sudha Sindhu, Bal Soufdha and Zandu Drakshasava.)	One per cent *ad volerem*
3	Hair oil and perfumed oil of all kinds	Two per cent *ad volerem*
4	Speices and wet imli excluding saltpetre	Two per cent *ad volerem*
5	Opium	Two per cent *ad volerem*
6	Charas	Two per cent *ad volerem*
Class VI—Tobacco—		
1	All kinds of foreign tobacco, pipe tobacco, cigars, snuff, cheroots of all kinds.	Three per cent *ad volerem*
2	Cigarettes of all kinds ..	Two per cent *ad volerem*
3	Beedies of all kinds ..	One per cent *ad volerem*
4	Indian tobacco 1st quality, *i.e.*, all tobacco not included in items 1 and 2.	One and half per cent. *ad volerem*
5	Indian tobacco 2nd quality	One per cent
6	Indian tobacco 3rd quality (Kanni)	One and half per cent.
7	Tobacco leaves (per ten kilograms)	0 20
Class VII—Piecegoods and textile fabrics—		
1	Unginned cotton ..	0 05
2	Ginned cotton ..	0 10
3	Cotton waste and waste yarn cotton ..	0 10
4	Raw wool hemp and other Fibers and rope ..	0 10
5	Jute gunny bags and jute cloth (per bag) ..	0 01
6	Piecegoods made of cotton, wool or any admixture of those and articles made thereof including thread and yarn dhoties, saries, dopattas, pagrees, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchiefs in bales, (*i.e.*, *not* cut up) old clothes imported in bulk, all such goods as are not made up ready for and wearing excepting khadi and hand-loom Piece goods.	One and half per cent *ad volerem*
7	Piece goods made of silk and artificial silk or any admixture of those and articles made thereof including shawls, laces, edgings and ribbons excepting khadi and hand-loom Piece goods.	One and half per cent. *ad volerem* excepting khadi.
8	Hides and skins ..	Two per cent *ad volerem*
9	Cotton yarn ..	One and half per cent. *ad volerem*

1		2
		Rs. P.
10	* * * Artificial silk	Two per cent *ad volerem*
11	Jute cloth	One per cent *ad volerem*
12	Leather, including harness, saddles, bags, boxes, desi shoes, chappals and all other articles made of leather excluding boots, shoes, slippers and sandals.	Two per cent
13	Apparel, boots nad shoes including slippers and sandals (other than desi shoes and chappals) drapery, millinery, caps and hats ready made clothes, barret caps and hat shapes, etc.	Two per cent
14	Hosiery including knitted woollen caps ..	Two per cent
15	Lametta including kinari, gota, gold and silver lace, wire and thread real or imitation.	Two per cent
Class VIII—Metals and articles made of metals—		
1	Metals (iron and steel-wrought and unwrought) including bars, sheets, girders, iron, stanchions, top columns, girders fitted with rivets, metallic ores and scrap iron.	Two per cent
2	Tin scrap ..	Two per cent
3	Metals (hardware and cutlery) *i.e.*, knives, razers, scissors, needles, tin plates, rivets, nails, screws, bolts, nuts, enamelled wire (other than sanitary fittings) wire, wirenettings, hinges, locks, pipes, post and pans, weights, empty tins, iron and tin boxes and iron furniture, etc.	Two per cent
4	Metals (all other kinds—manufactured and unmanufactured) including bicycles, perambulators, carriages, sewing machines harmoniums, typewriters, ice-machines, sodawater machines, clocks and watches, spectacles—their cases and frames, umbrella frames and handles, brass, copper, german silver, aluminium, bronze, zinc and articles made thereof, channels of all kinds and for whatever purpose imported, sanitary fittings, iron washers, bicycles saddles and radio goods.	Two per cent
	N.B.—Sanitary fittings include baths, water closets, lavatory basins, bidets (tubs), urinals, flushing cistern, sinks and water taps.	
5	Motor cars not registered under the Motor Vehicles Act, 1939—	
	(a) 2 seater (each) ..	15 00
	(b) 4 or more seater (each) ..	30 00

1		2
		Rs. P.
6	Chassis and lorries not registered under the Motor Vehicles Act, 1939—	
	(a) without body(each) ..	25 00
	(b) with body (each) ..	30 00
7	Component parts of motor cars ..	0 75
8	Old component parts of motor vehicles ..	0 25
9	Stoppers made of metal ..	0 37
10	Complete motor cycle not registered under the Motor Vehicles Act, 1939, without side car (each).	4 00
11	Motor cycle not registered under the Motor Vehicles Act, 1939 with side car (each).	5 00
Class IX—Miscellaneous—		
1	Dyes and tans including green coloured sand (for mixing with mehndi) boot polishes, indigo, safflowers (kusum) and all kinds of colouring matter.	Two per cent
2	Stationery including paper, paste boards and all articles made therof including waste papers, cards, cardboards, forms, envelops, calendars, inks, pens, pencils, ink-pots, ink-stands, takhtis, pincushions, nibs holders, pins, pads, drawing instruments, paperweights rulers, measuring tapes, slates manufactured or manufactured, strawboard, gelatine paper, account books, ledger and cash books.	Two per cent
3	Chemicals (excepts those chargeable under any other class), distilled water and sulpher in casks or barrels or bags.	Two per cent
4	Horn and articles made of horn except buttons	Two per cent
5	Lac and cork and articles made thereof ..	Two per cent
6	Kikar bark and other bark including bark dust	Two per cent
7	Wood (manufactured) such as walking sticks, empty barrels, country carts, umbrella sticks of cane cane, or bamboo (manufactured or manufactured), wooden payas and pattis.	Two per cent
8	Furniture other than iron furniture	Two per cent
9	Articles of sports and games including playing cards.	Two per cent
10	Goods imported by circus, theatres, carnivals, etc.	Two per cent
11	Glass and articles made thereof (except glass tiles, empty glass phials having lids, glass beads and other imitation jewels)	Two per cent

1		2
		Rs. P.
12	Articles made of china, stone, earth (glazed or unglazed) including drain pipes and drain fitting, but excluding sanitary fittings, earthern tiles and toys made of china clay or earth.	Two per cent
13	Empty glass phials having lids ..	Two per cent
14	Celluloid goods including celluloid sheets and imitation mother pearl sheets.	Two per cent
15	Nut, shell, horn and ivory buttons	Two per cent
16	Glass beads and other imitation jewels	One per cent
17	Toilet powders and cosmetic creams including tooth pastes, powders and creams.	Two per cent
18	Ivory and articles made thereof	Two per cent
19	Rubber goods including rubber gloves and bakelite goods.	One per cent
20	Disinfectants—dry or liquid—including Flit, Crosote, shell tox and naphthalene ball.	Two per cent
21	Lubricating oil (per litre) ..	0 03
22	Grease	Two per cent
23	Photographic accessories including pictures, photos and printed pictures.	Two per cent
24	Toy made of celluloid	One per cent
25	Toys made china clay or earth ..	One per cent
26	Toys made of cotton, rubber, paper, wood and metals.	One per cent
27	All kinds of cinema carbons	Two per cent
28	Vaseline, Vaseline Pomade, petroleum jelly or amber petroleum (grease) and Brilliantine.	Two per cent
29	Safety fuses and cartridges ..	Two per cent
30	Match boxes	0 10 (per gross)
31	Oats ..	One per cent
3	Bran, oil cakes and oil feed	One per cent
33	Chaff	One per cent

1		2
		Rs. P.
34	Musical goods	Two per cent
35	Porcelain articles and china cups, etc.	Two per cent
36	Bakelite and plastic materials ..	Two per cent
37	Cameras	Two per cent
38	Photo frames and pictures ..	Two per cent
39	Optical glass and frames ..	Two per cent
40	Groundnut shell	One per cent
		One per cent
42	Other articles not chargeable under any of the above items and which may be approved by the Government by notification in respect of all Town Panchayat or any Town Panchayat as may be specified in such notification.	Two per cent

* *

SCHEDULE II.

(PURPOSES FOR WHICH PLACE MAY NOT UNDER SECTION 184 BE USED WITHOUT A LICENCE.)

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, shifting, selling or storing for other than domestic use.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Clothes.—Dyeing.

Coal.—Dumping, shifting, selling or storing.

Cocoanut fibre.—Storing for other than domestic use, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Combustible material other than hay.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or Storing for other than domestic use.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunpowder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing for other than personal use, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro-compound.— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacuring by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no license shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1934, or the rules issued or the notifications published under that Act.

Pitch.—Storing,packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including resin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturng by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—**Dyeing :**

Provided that no license shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner :

Provided also that no licence shall be required for the storage of coconut fibre, cotton, firewood, thatching material, timber, tobacco or wool when the storing is done by the producer of such commodity.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or fifty or more sheep or goats.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the Taluk Board, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

SCHEDULE III

Form of Oath

(*See* section 304).

I, A. B., having been elected/co-opted/nominated to be a member of the Nyaya Panchayat of..... do swear in the name of God/Solemnly affirm that I will conscientiously and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office in accordance with law without fear or favour, affection or ill-will.

SCHEDULE IV

OFFENCES TRIABLE BY NYAYA PANCHAYATS

(*See* section 317).

A.—Offences under the Indian Penal Code.

Explanatory Note.—The entries in the first column are not intended as definitions of the offences described in the corresponding sections of the Indian Penal Code or even as abstracts of those sections but merely as convenient references to the subject matter of the section, the number of which is given in the second column.

Offence	*Section*
Affray	160
Absconding to avoid service of summons, notice or other proceeding	172
Not obeying a legal order to attend at a certain place in person or by agent or departure therefrom without authority	
Intentionally omitting to produce a document by a person legally bound to produce or deliver such document	175
Refusing oath when duly required to take it ..	178
Being legally bound to state truth and refusing to answer questions	179
Refusing to sign a statement when legally required to do so	180
Defiling the water of a public spring or reservoir.	277
Making atmosphere noxious to health ..	278
Causing danger, obstruction or injury in any public way or line of navigation	283
Omitting to take order with any animal so as to guard against danger to human life or of grievous hurt from such animal	289
Committing a public nuisance	290
Voluntarily causing hurt	323
Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the persons who gave the provocation	334

Offence	Section
Assault or use of criminal force otherwise than on grave and sudden provocation ..	352
Assault or criminal force on grave provocation ..	358
Theft where the value of the property stolen does not exceed Rs. 250	379
Dishonestly receiving or retaining stolen property knowing it to be stolen up to Rs. 250 ..	
Mischief, where the damage or loss caused amounts to less than Rs. 50	
Mischief by killing, poisoning maiming or rendering useless any animal	428
Criminal intimidation ..	506 first part
Appearing in a public place, etc., in a state of intoxication and causing annoyance to persons	510

Explanation I.—The offences specified against sections 172, 174, 175, 178, 179 and 180 shall be triable by Nyaya Panchayats only if they have been committed in relation to a Nyaya Panchayat or a Gram Panchayat.

II. The offences specified in this list shall include abetments of, and attempts to commit, such offences.

B.—Offences under other Acts—

The Mysore Police Act, 1964, Sections 92, 93 and 94.

The Cattle Trespass Act, 1871, Section 24, 26 and 27.

The Mysore Vaccination Act, 1906, Scetion 5.

The Prevention of Cruelty to Animals Act, 1960, Section 11 and 26.

The Mysore Panchayat Raj Act, 1965, Sections 68, 76 and 386.

The Mysore Compulsory Primary Education Act, 1961, Sections 13, and 14.

SCHEDULE V

PROCEDURE FOR THE TRIAL OF SUITS

[*See* section 327 (2) (*a*)].

Institution of suits.—

1. Any person wishing to institute a suit under Part V of this Act may make an application in that behalf in writing or orally to the Chairman or Vice-Chairman of the Nyaya Panchayat of the circle in which the defendant or the defendants, where there are more than one, ordinarily reside or carry on business at the time of the institution of the suit.

Suit instituted orally.—

2. Where an application for the institution of a suit is made orally, the Chairman or Vice-Chairman, as the case may be, shall cause the substance of the application to be recorded without delay and get the document signed by the plaintiff.

Plaintiff may forego claim to bring suit within jurisdiction.—

3. A plaintiff may relinquish any portion of his claim in order to bring his suit within the jurisdiction of the Nyaya Panchayat.

Fees in suits.—

4. (1) In respect of every suit instituted under Part V of this Act, the following fee shall be payable :—

TABLE OF FEES

Value of claim	*Court fee to be paid*
	Rs.
Upto Rs. 50	1
Exceeding Rs. 50 but not exceeding Rs. 100 ..	2
Exceeding Rs. 100 but not exceeding Rs. 200 ..	4
Exceeding Rs. 200 but not exceeding Rs. 300 ..	6
Exceeding Rs. 300 but not exceeding Rs. 400 ..	8
Exceeding Rs. 400 but not exceeding Rs. 500 ..	10

(2) The fee may be paid in the form of court fee stamps, and, if court fee stamps are not available in the Village where the Nyaya Panchayat Panchayat sits, it may be paid in cash

5. Every suit instituted under Part V of this Act shall be recorded without delay in a register of suits to be maintained in such form and in such manner as may be prescribed.

Suits beyond jurisdiction.—

6. If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try a suit, it shall direct the plaintiff by order in writing to file his suit in the proper court.

Issue of summons.—

7. When a suit has been duly instituted the Nyaya Panchayat may cause a written summons in the prescribed form to be served on the defendant requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff to attend and produce his evidence at such time and place.

Summons how to be served.—

8. Subject to the provisions contained in rule 10, every summons issued under rule 7 shall be served in such manner as may be prescribed personally on the defendent whose signature shall be taken in token of service.

Substituted service.—

9. If the defendant cannot be found and the Nyaya Panchayat is satisfied that he is evading service or if he refuses to take the summons, the Nyaya Panchayat may order service to be made on an adult male member of his family residing with him or by affixing a copy thereof upon some conspicuous portion of the house in which he ordinarily resides.

Service when defendant is outside jurisdiction.—

10. (1) If a defendant is at the time of the issue of the summons outside the circle for which the Nyaya Panchayat is established, the summons may be served by registered post addressed to the defendant at the place where the defendant for the time being resides.

(2) An acknowledgment purporting to be signed by the defendant or an endorsement by a postal employee to the effect that the defendant refused to take delivery may be deemed to be *prima facie* proof of service.

Disposal of suit when plaintiff fails to appear.—

11. If the plaintiff fails to appear on the date fixed for hearing or, if in the opinion of the Nyaya Panchayat, he shows negligence in prosecuting his suit, the Nyaya Panchayat may dismiss the suit unless the defendant admits all or any part of the claim in which case the suit shall be decreed accordingly.

Restoration of suit dismissed for default of plaintiff.—

12. Any suit dismissed under rule 11 may, on application made by the plaintiff within fifteen days of such dismissal, and on payment of rupee one, be restored, if the plaintiff satisfies the Nyaya Panchayat that he was prevented by any sufficient cause from appearing or that he was not guilty of any negligence in prosecuting his suit.

Disposal of suit when defendant fails to appear.—

13. If the defendant fails to appear and the Nyaya Panchayat is satisfied that he has received notice of the date fixed for the hearing or that he is intentionally evading service. the Nyaya Panchayat may proceed *ex parte.*

Reopening of ex parte *decrees.—*

14. (1) Any decree passed *ex parte* against a defendant may, on application made by the defendant to the Nyaya Panchayat by which the decree was passed within fifteen days from the date of the decree, or when the summons was not duly served, within fifteen days from the date the defendent had knowledge of the decree, and on payment of rupee one in either case be set aside if he satisfies the Nyaya Panchayat that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing and the Nyaya Panchayat shall then appoint a day for proceeding with the suit.

(2) No decree shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

Compromise of suits.—

15. A suit may be disposed of wholly or in part on the basis of an oath or by any legal agreement, settlement, compromise or satisfaction between the parties, and in any such case the Nyaya Panchayat shall order the agreement, settlement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith in so far as it relates to the suit.

Suits to be disposed of expeditiously.—

16. Where a suit has not been disposed of under rule 15, it shall be the duty of the Nyaya Panchayat to try the suit as expeditiously as possible, but when, in its opinion, it is unavoidable or necessary for a just and equitable decision of the suit, it shall have power to adjourn the hearing from time to time.

Power to summon witnesses.

17. (1) At the hearing of any suit, parties shall produce their own witnesses, but for the proper disposal thereof, a Nyaya Panchayat may, subject to such rules as may be made under this Act, have power to issue summons, to require the attendance of any person either to give evidence or to produce a document, to enter upon any land, or to do such other act as it may consider necessary.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

Exemption from personal appearance.—

18. No woman who is not accustomed to appear in public and no person who is exempted from personal appearance in any court under section 133 of the Code of Civil Procedure, 1908, shall be required to appear before a Nyaya Panchayat in person, but their statements may be obtained in such manner as may be prescribed and on payment of the prescribed fee.

Evidence to be on oath and a brief memorandum to be kept.—

19. Evidence given orally before the Nyaya Panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

Decision on suit.—

20. The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and, when all the facts have been ascertained, the parties heard and the evidence considered, the Nyaya Panchayat shall pass such order in writing as may seem just and equitable, and such order shall state the finding and a brief statement of the reasons therefor.

Interest on decretal amounts and payment by instalments.—

21. In suits for money a Nyaya Panchayat may direct payment of interest on the sum decreed at a rate not exceeding six per cent per annum from the date of the decree until the date of payment, and may also direct that the decretal amount be paid in instalments.

Authentication of decrees, orders, etc.—

22. All orders and decrees shall be dated on the day on which they are passed and the decrees and orders and all receipts and copies issued by it shall be authenticated by the Nyaya Panchayat in such manner as may be prescribed.

Satisfaction or adjustment of decree to be recorded.—

23. If, on the application of the decree holder or judgement-debtor, the Nyaya Panchayat, after inquiry, finds that the decree has been satisfied or adjusted, whether wholly or in part, the Nyaya Panchayat shall record such satisfaction or adjustment in the prescribed register.

Execution of decrees for money.—

24. (1) If a decree for money remains unsatisfied for one month after the due date or any amount payable under it remains unpaid for one month after the date when it fell due, and the decree-holder applies to the Nyaya Panchayat for execution within one year from such date paying the prescribed fee the Nyaya Panchayat shall recover the same by distraint and sale of the defaulters movable property.

(2) The power of distraint and sale shall be subject to such rules as may be made with respect to properties exempt from attachment, the manner of its exercise and other matter relevant thereto.

(3) If, after such distraint and sale the amount of the decree is not fully recovered the Nyaya Panchayat shall certify accordingly to the Deputy Commissioner and on receipt of the certificate the Deputy Commissioner shall proceed to recover the amount in the same manner as an arrear of land revenue and remit the amount so recovered to the Nyaya Panchayat.

Execution of decrees for specific movable property.—

25. If a decree for the delivery of any specific movable property remains unsatisfied for one month after the due date and the decree-holder applies to the Nyaya Panchayat for execution within one year from such date paying the prescribed fee, the Nyaya Panchayat may enforce the decree by the actual seizure of the property and its delivery to the decree-holder or if the seizure is not practicable have it executed by enforcing payment of the sum decreed as an alternative in the manner provided in rule 24.

SCHEDULE VI

PROCEDURE FOR THE TRIAL OF OFFENCES

[*See* section 327 (2) (*b*)].

Complaints in criminal proceedings.—

1. Any person wishing to institute a criminal proceeding before a Nyaya Panchayat may make a complaint orally or in writing to the Chairman or Vice-Chairman of the Nyaya Panchayat of the circle in which the offence has been committed.

Complaints made orally.—

2. When a complaint is made orally, the Chairman or Vice-Chairman, as the case may be, shall draw up a statement recording the name of the complainant, the name of the person against whom the complaint is made, the nature of the offence and such other particulars as may be prescribed, and the signature of the complainant shall be taken thereon.

Fee on complaints.—

3. (1) On every complaint a fee of one rupee shall be payable.

(2) The fee may be paid in the form of court fee stamps and if court fee stamps are not available in the village where the Nyaya Panchayat sits, it may be paid in cash.

Register of complaints.—

4. Every complaint made under Part V of this Act shall be recorded without delay in a register to be maintained in such form and in such manner as may be prescribed.

Complaints beyond jurisdiction.—

5. If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to try the offence or that there is no sufficient ground for proceeding with the complaint, it shall dismiss the complaint.

Issues of summons.—

6. The Nyaya Panchayat may, after examining the complainant and after such further inquiry, if any, as it thinks fit to make, cause a written summons in the prescribed form to be served on the accused requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the

same time direct the complainant to attend and produce his evidence at such time and place.

Service of summons.—

7. Every summons issued under rule 6 shall be served in such manner as may be prescribed personally on the accused whose signature shall be taken in token of service.

Dismissal of complaint for want of prosecution.—

8. If the complanant fails to appear on the date fixed for hearing or, in the opinion of the Nyaya Panchayat he has shown negligence in prosecuting the complaint, the Nyaya Panchayat may dismiss the complaint.

Restoration of complaint.—

9. If the complainant satisfies the Nyaya Panchayat that his absence was due to some unavoidable cause and that he could not notify the Nyaya Panchayat thereof in-time or that he was not negligent, the Nyaya Panchayat may restore the proceeding, but no such restoration shall be made without giving notice to the accused if the order of dismissal had been passed after the appearance of the accused before the Nyaya Panchayat.

Procedure where accused cannot be found or fails to appear.—

10. If the accused cannot be found or fails to appear on the date fixed for hearing, the Nyaya Panchayat shall report the fact to the nearest magistrate.

Magistrate to secure attendance of accused before Panchayat.—

11. (1) The magistrate shall thereupon issue a warrant for the arrest of the accused and shall direct, by endorsement on the warrant, that if such person executes a bond with sufficient sureties for his attendance before himself in the manner provided by section 76 of the Code of Criminal Procedure, 1898, he shall be released from custody.

(2) When the accused appears before the magistrate he shall direct him to execute a bond with or without sureties to appear before the Nyaya Panchayat on such date as he may direct and thereafter to continue to appear before the Nyaya Panchayat as directed by it.

(3) On his failure to execute such bond the magistrate shall order that the accused be produced in custody before the Nyaya Panchayat on such date as he may direct.

Procedure where accused fails to appear even after executing bond.—

12. If the accused fails to appear before the Nyaya Panchayat after executing a bond under sub-rule (2) of rule 11, the Nyaya Panchayat shall report to the magistrate before whom the bond was executed and such magistrate shall proceed in accordance with the provisions of Chapter XLII of the Code of Criminal Procedure,1898.

Power to receive evidence.—

13. (1) When a complaint is not compounded, the Nyaya Panchayat shall receive such evidence as may be produced and may call for such further evidence as in its opinion may be necessary for the proper determination of the proceeding or may enter upon any land for inspection or do any other act which it may consider necessary.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

(3) The provisions of rule 18 in Schedule V shall apply to criminal proceedings as they apply to suits.

Procedure in trial.—

14. (1) Evidence given orally by witnesses before the Nyaya Panchayat shall be on oath and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

(2) The Nyaya Panchayat need not frame a formal charge but the plea of the accused and his statement, if any, shall be recorded, but no oath shall be administered to him.

(3) The Nyaya Panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and when all the facts have been ascertained, the parties heard and the evidence considered, the Nyaya Panchayat shall record its finding, and in the case of a conviction a brief statement of the reasons therefor and the amount of the fine imposed.

Power to direct payment of compensation out of fine.—

15. When a Nyaya Panchayat imposes a fine, it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

False, frivolous or vexatious complaints.—

16. (1) If a Nyaya Panchayat considers that a complaint is false or either frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused.

(2) The Nyaya Panchayat may after considering any cause which the complainant may show, if it is satisfied that the complaint was false frivolous or vexations for reasons to be recorded, direct that such compensation not exceeding fifty rupees as may be specified by the Nyaya Panchayat shall be paid by the complainant to the accused, and any such compensation may be recovered as if it were a fine imposed by the Nyaya Panchayat.

Recovery of fines.—

17. Where a Nyaya Panchayat imposes a fine and such fine is not paid as required, it shall record an order specifying the amount of the fine imposed and that it has not been paid and shall forward the same to the nearest magistrate, who shall proceed to execute it as if it were an order passed by himself, and such magistrate may sentence the accused to imprisonment in default of payment.

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MYSORE LEGISLATURE

NOTIFICATION.

No. 12106—L.A., Bangalore-1, dated 16th January 1965.

The Report of the Joint Select Committee on the Mysore Excise Bill, 1964 and the Bill as reported by the Joint Select Committee and as presented to the Legislative Assembly and the Legislative Council on 16th January, 1965 are hereby published.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE EXCISE BILL, 1962

Composition of the Joint Select Committee.

Sriyuths.—

1. M. V. RAMA RAO (*Minister for Law*) (*Chairman*).
2. H. D. DEVE GOWDA.
3. GANGADHAR NAMOSHI.
4. T. S. SIVANNA.
5. K. LAKKAPPA.
6. VIDHYADHAR GURUJI.
7. S. RUDRAPPA.
8. M. R. PATTANNA SHETTY.
9. K. M. DEVIAH.
10. KADIDAL MANJAPPA.
11. M. N. NAGANOOR.
12. A. P. APPANNA.
13. A. G. BANDI GOWDA.
14. T. G. SATHYANARAYANA.
15. M. MADHVARAJ.
16. SMT. G. C. BHAGEERATHAMMA.
17. J. B. MALLARADHYA.
18. K. S. CHANNAPPA.
19. R. B. NAIK.
*20. H. BAṢAPPA.
21. SMT. ABBASIA BEGUM MECCI.

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* *Ceased to be a member with effect from 13th May, 1964.*

DRAFTSMEN.

SRI R. SANJEEVALU,
Secretary to Government, Law Department.

SRI M. A. SRIKRISHNA,
Draftsman, Law Department.

SRI M. L. RAMASWAMI,
Deputy Draftsman, Law Department.

SECRETARIAT.

SRI G. S. VENKATARAMANA IYER (*Secretary*).

SRI V. B. DESHMUKH (*Under Secretary*).

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE EXCISE BILL, 1962.

(*Presented on 16th January, 1965*).

I, the Chairman of the Joint Select Committee to which the Mysore Excise Bill, 1962, was referred, having been authorised to submit the report, present this Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* on 21st June 1962.

3. The Bill was introduced in the Legislative Assembly on 3rd December 1962. The Legislative Assembly discussed the motion for consideration on 11th December 1963. The motion for reference of the Bill to a Joint Select Committee in the House—*vide* Appendix–I–was moved by me on 11th December 1963 and was discussed and adopted in the Legislative Assembly on the same day.

4. The Legislative Council discussed the motion on 30th December 1963 and concurred in the motion on the next day–*vide* Appendix II.

5. The Committee held sittings on 27th and 28th April and on 1st, 2nd, 3rd and 4th June 1964 and 18th December, 1964.

6. The Committee considered the report on 18th December 1964 and adopted it on same day. The Committee authorised me to present this report.

7. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

8. *Clause* 2, *sub-clause* (3).—The Committee are of the opinion that all liquor produced or manufactured in India should be called Indian liquor and not country liquor. The sub-clause has accordingly been amended.

9. *Clause* 5.—The Committee are of the opinion that provision should be made for the appointment of a District Excise Officer for part of a District and also Assistant District Excise Officers to exercise such powers and perform such duties as the State Government may direct. The clause has therefore been suitably amended.

10. *Clause* 8, *sub-clause* (1).—The Committee consider that intoxicants should not be imported except under a permit and on payment of countervailing duty and fees, as may be levied under the Act, and that in the case of intoxicants which have been subject to duty under the Indian Tariff Act, 1934, or any other law relating to customs duty, no countervailing duty should be payable. The sub-clause has accordingly been amended.

11. *Clause* 9, *sub-clause* (1).—The Committee consider that export of intoxicant also should be under permits and on payment of such fee as may be levied under the Act and that no such permit should be granted except after the excise duty or countervailing duty to which the intoxicant is liable has been paid. The sub-clause has been amended accordingly.

12. *Original Clause* 10.—The Committee consider that the clause is redundant. Accordingly, the clause has been deleted.

13. *Clause* 11 (*original clause* 12).—The Committee consider that no exception need be made in the case of foreign liquor transported for *bona fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted. Accordingly the proviso to the clause has been omitted.

14. *Clause* 14 (*original clause* 15).—The Committee consider that it is not necessary to exempt foreign liquor from the operation of sub-clause (2). Hence sub-clause (3) has been omitted.

15. *Clause* 15 (*original clause* 16), *sub-clause* (1).—The Committee consider that the exemption contained in the proviso from obtaining a licence to sell an intoxicant should be subject to such restrictions and conditions as the Excise Commissioner may specify. The proviso to the sub-clause has therefore been suitably modified.

16. *Original Clause* 17.—The Committee are of the opinion that the power proposed to be conferred by this clause is not necessary. The clause has therefore been deleted.

17. *Clause* 16 (*original clause* 18), *sub-clause* (1).—The Committee consider that specific provision should be made for the licensing of private bonded ware-houses. New item (d) has therefore been inserted in this sub-clause.

18. *Clause* 21 (*original clause* 23)–*sub-clause* (2).—The Committee consider that the police officer who may require the closure of a shop in cases of riot or unlawful assembly in the vicinity of such shop should not be below the rank of a Sub-Inspector. The sub-clause has accordingly been amended.

19. *Clause* 25 (*original clause* 27)–*sub-clause* (1).—The Committee are of the opinion that sub-clause (1) of the Original clause 27 is not necessary. Accordingly sub-clause (1) has been omitted and sub-clause (2) of that clause renumbered as clause 25.

20. *Clause* 29 (*original clause* 31).—The Committee consider that it is not necessary to provide for cancellation of the licence at the request in writing of the lessee under clause 17 (original clause 19). Accordingly, item (e) of sub-clause (1) has been deleted. The Committee also consider that it is not necessary to provide for payment of any amount to the ex-licensee when the licence is cancelled and the grant is taken under the management of Government. Accordingly, sub-clause (4) has been omitted.

21. *Clause* 30 (*original clause* 32), *sub-clause* (1).—The Committee are of the opinion that a licence should not be withdrawn without notice and should be withdrawn only on the expiration of not less than thirty days' notice in writing. Sub-clause (1) has been accordingly amended. The Committee are also of the opinion that when a licence is withdrawn a part of the licence fee proportionate to the unexpired portion of the term of the licence may be refunded to the licensee, but that no compensation need be paid. Sub-clause (2) has therefore been deleted and sub-clause (3) modified and renumbered as sub-clause (2).

22. *Clause* 32 (*original clause* 34).—The Committee consider that in the case of illegal import, manufacture, etc. of liquor, the punishment should be both imprisonment and fine. The clause has accordingly been modified.

23. *Clause* 37 (*original clause* 39).—The Committee are of the opinion that in the case of adulteration of liquor the punishment should be both imprisonment and fine. The clause has accordingly been amended.

24. *Clause* 38 (*original clause* 40), *sub-clause* (1).—The Committee consider that consumption of liquor by any person in a chemist's shop should be prohibited and there should be no exception in the case of persons employed in the shop. The sub-clause has been accordingly amended.

25. *Clause* 45 (*original clause* 47).—The Committee consider that the wording of the clause should be modified. Accordingly the clause has been suitably modified.

26. *Clause* 55 (*original clause* 57).—The Committee consider that the Deputy Commissioner should not have the power to stop further proceedings against any person concerned or supposed to be concerned in any offence against the Act which he has investigated or which may have been

reported to him. Sub-clause (3) of original clause 57 has therefore been omitted.

27. *Clauses* 61 *and* 62 (*new clauses*).—The Committee are of the opinion that specific provision should be made for appeals to the Deputy Commissioner, Commissioner and the Mysore Revenue Appellate Tribunal against orders passed under the Act and for revision by the State Government in respect of any order. Accordingly, the two new clauses have been inserted.

28. *Clause 66*—(*New clause*).—The Committee are of the opinion that when liquor manufactured in the State on which excise duty has been levied is exported from the State and is subjected to excise or countervailing duty in the place to which it is exported, such part of the excise duty paid on such liquor in the State as the Government may prescribe should be refunded. Accordingly, the new clause has been inserted.

29. *Clause* 67 (*Original clause* 66).—The Committee are of the opinion that provision should be made for exempting or reducing the excise duty on liquor sold for use by the Armed Forces of the Union or for use for bonafide medicinal, scientific, industrial or such like purpose. The clause has accordingly been modified.

30. *Clause 69*—(*Original clause 68*).—The Committee consider that the limitation of six months should not apply in the case of suits filed by the State Government against an Excise Officer. The clause has, accordingly, been amended.

31. *Clause 70*–(*New clause*).—The Committee consider that provision should be made for dealing with offences by companies. Accordingly, the new clause has been inserted.

32. The other amendments made in the Bill are either of minor nature or consequential or intended to improve the wording.

33. The Joint Select Committee recommend that the Bill as amended be passed.

M. V. RAMA RAO,
Chairman,
Joint Select Committee.

Bangalore–1.
18*th December*, *1964*.

G. S. VENKATARAMANA IYER,
Secretary.

APPENDIX I.

(*Vide* Para 3 of the Report.)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

"That the Mysore Excise Bill, 1962, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :—

1 H. D. Deve Gowda
2 Gangadhar Namoshi
3 T. S. Sivanna
4 K. Lakkappa
5 Vidhyadharguruji
6 S. Rudrappa
7 M. R. Pattanna Shetty
8 K. M. Devayya
9 Kadidal Manjappa
10 M. N. Naghanoor
11 A. P. Appanna
12 A. G. Bandi Gowda
13 T. G. Satyanarayana
14 M. Madvaraj
15 Smt. G. C. Bhageerathamma

APPENDIX II

(*Vide* Para 4 of the Report.)

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

"That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Excise Bill, 1962, consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :—

1 J. B. Mallaradhya
2 K. S. Channappa
3 R. B. Naik
*4 H. Basappa
5 Smt. Abbasia Begum Mecci."

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*Ceased to be a member with effect from 13th May 1964.

[AS REPORTED BY THE JOINT SELECT COMMITTEE]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE EXCISE BILL, 1964.

A Bill to provide for a uniform excise law in the State of Mysore.

WHEREAS it is expedient to provide for a uniform law relating to the production, manufacture, possession, import, export, transport, purchase and sale of liquor and intoxicating drugs and the levy of duties of excise there on, in the State of Mysore, and for certain other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent commencement and application.—(1) This ct may be called the Mysore Excise Act, 1964.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may by notification, appoint.

(4) All the provisions of this Act shall be applicable to the areas of the State in which the Mysore Prohibition Act, 1961 (Mysore Act, 17 of 1962) is not in operation and shall apply to such extent as is specified in the said Act in the areas in which the said Act, is in operation.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) "beer" includes ale, stout and porter

* * * * *

(2) "to bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of

sale, whether any process of manufacture be employed or not, and includes re-bottling ;

(3) " cultivation " includes the tending or protection of a plant during growth and does not necessarily imply raising it from seed ;

(4) " denatured " means subjected to a process prescribed for the purpose of rendering unfit for human consumption ;

(5) " Deputy Commissioner " means any person appointed under section 4 to exercise the powers and to perform the duties of a Deputy Commissioner under this Act and where no such person is appointed, the Deputy Commissioner of the revenue district ;

(6) " excisable article " means,—

(*a*) any liquor ;

(*b*) any intoxicating drug ;

(*c*) opium ; or

(*d*) other narcotic drugs, narcotics and non-narcotic drugs which the State Government may by notification declare to be an excisable article ;

(7) " Excise Commissioner " means the Officer appointed as xcise Commissioner under section 3 ;

(8) " excise duty " and " countervailing duty " means any such excise duty or countervailing duty, as the case may be, as is mentioned in Entry 51 of List II of the Seventh Schedule to the Constitution ;

(9) " Excise Inspector " means an Officer appointed under section 6 ;

(10) " Excise Officer " means the Excise Commissioner, a eputy Commissioner, or any Officer or other person lawfully appointed or invested with powers, under section 5 or 6 ;

(11) " excise revenue " means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Act or any other law for the time being in force relating to liquor or intoxicating drugs ;

(12) " export " means to take out of the State otherwise than from a Customs station as defined under section 2 of the ustoms Act, 1962 (Central Act 52 of 1962) ;

(13) " foreign liquor " includes all liquors other than Indian liquor ;

* * *

* * *

* * *

(14) " import " except in the phrase " import into India ", means to bring into the State otherwise than from a customs station as defined under section 2 of the Customs Act, 1962 (Central Act 52 of 1962) ;

(15) " Indian liquor " includes all liquor produced or manufactured in India ;

(16) " intoxicant " means any liquor as defined in clause (18 or any intoxicating drug as defined in clause (17) ;

(17) " intoxicating drug " means,—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant * * * including all forms known as bhang, siddi, or ganja ;

(ii) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ;

(iii) any mixture with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom ; and

(iv) any other intoxicating or narcotic substance which the State Government may, by notification, declare to be an intoxicating drug ; such substance not being opium, coca leaf or manufactured drug as defined under section 2 of the Dangerous Drugs Act, 1930 (Central Act 2 of 1930) ;

(18) " liquor " includes—

(*a*) spirits of wine, denatured spirits, wine, beer, toddy and all liquids consisting of or containing alcohol ; and

(*b*) any other intoxicating substance, which the State Government may by notification, declare to be liquor for the purposes of this Act ;

(19) " manufacture " includes every process whether natural or artificial, by which any fermented, spirituous or intoxicating liquor or intoxicating drug is produced or prepared and also re-distillation and every process for the rectification of liquor ;

(20) " notification " means a notification published in the o cial Gazette ;

(21) " place " includes a house, building, shop, booth, tent, vessel, raft and vehicle ;

(22) "Police Station " includes any place which the State 'overnment may, by notification, declare to be a police station for the purpose of this Act ;

(23) "prescribed" means prescribed by rules made under this ct ;

(24) " rectification " includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith ;

(25) "sale or selling" includes any transfer otherwise than by way of gift ;

(26) "spirit " means any liquor containing alcohol and obtained by distillation, whether it is denatured or not ;

(27) "toddy" means fermented or unfermented juice drawn from a toddy tree ;

(28) "toddy tree" includes the tree Gulmohwa, coconut, palm, palmyra, date, bagani * * or any tree of the species of palm or palmyra, the fermented or unfermented juice of which contains alcohol and from which toddy or liquor can be prepared ;

(29) "transport" means to move from one place to another within the State, whether the intervening area lies wholly within the State or not.

CHAPTER II.

ESTABLISHMENT AND CONTROL

3. Appointment of Excise Commissioner.—(1) *The State Government may appoint, by notification, an officer not below the rank of a Deputy Commissioner, as Excise Commissioner for the State of Mysore, who, subject to the general or special orders of the State Government in this behalf, shall be the chief controlling authority in all matters connected with the administration of this Act.*

(2) The Excise Commissioner shall exercise all the powers of the Deputy Commissioner in respect of the administration of this Act and shall have the control of the administration of the Excise Department.

4. Deputy Commissioner.—(1) The Deputy Commissioner shall within the limits of his jurisdiction exercise such powers and perform such duties and functions as are assigned by or under the provisions of this Act to a Deputy Commissioner subject to such control as the State Government may from time to time direct.

(2) For the purposes of this Act, all Deputy Commissioners shall be subordinate to the Excise Commissioner.

5. Appointment of District Excise Officers and Assistant District Excise Officers.— (1) *The State Government may appoint an officer as District Excise Officer for a district or part of a district to exercise all or any of the powers and to perform all or any of the duties of a Deputy Commissioner in respect of the administration of this Act, either concurrently with or in subordination to the Deputy Commissioner subject to such control as the State Government may direct.*

(2) *The State Government may appoint such number of Assistant District Excise Officers for a district or part of a district as it thinks fit to exercise such powers and perform such duties as the State Government may direct.*

6. Appointment of Excise Inspectors and other subordinate officers.—(1) *The State Government may appoint Excise Inspectors to exercise the powers and to perform the duties in connection with detection, investigation and trial of offences under this Act.*

(2) *The State Government may appoint subordinate officers of such classes and with such designations, powers and duties und this Act as it may think fit.*

(3) The State Government may, by notification direct that all or any of the powers and duties assigned to an Excise Inspector or subordinate officer under sub-sections (1) and (2), shall be exercised and performed by any officer of the State Government.

(4) The State Government may, by notification, delegate its powers under sub-sections (1), (2) and (3) to the Excise Commissioner, the Deputy Commissioner, the District Excise Officer, or the Assistant District Excise Officer, as the case may be.

7. Delegation.—The State Government may authorise the delegation by the Excise Commissioner or Deputy Commissioner to any person or class of persons specified in such notification, of any powers conferred or duties imposed upon him by or under this Act.

CHAPTER III.

IMPORT, EXPORT AND TRANSPORT.

8. Import of intoxicant.—(1) No intoxicant shall be imported except under a permit granted by the Deputy Commissioner on payment of such countervailing duty and fees, as may be levied under this Act and on such other terms as may be prescribed:

Provided that the Deputy Commissioner may subject such restrictions and conditions as may be prescribed to ensure the collection of the countervailing duty, permit the import of any intoxicant without the payment of the countervailing duty:

Provided further that no countervailing duty shall be payable on any intoxicant which being liable to the payment of duty under the Indian Tariff Act, 1934, or any other law, for the time being in force, relating to the duties of customs on goods imported into India, it has been dealt with according to such law:

* * * *
* * * *
* * * *

(2) The permit granted under sub-section (1), may be cancelled by the Deputy Commissioner for breach of any of the terms subject to which it was granted or for any other reason to be recorded in writing.

9. Export of intoxicant.—(1) No intoxicant shall be exported except under a permit granted by the Deputy Commissioner on payment of such fee as may be levied under this Act and on such terms as may be prescribed:

Provided that no intoxicant produced or manufactured in India shall, save as provided in the section 66, be permitted to be exported unless the excise duty or countervailing duty to which such intoxicant is liable, has been paid.

* * * * *
* * * * *

(2) A permission granted under sub-section (1) may at any time be cancelled by the Deputy Commissioner for breach of any terms subject to which it was granted or for any other reason to be recorded in writing.

* * * * *

10. Prohibiting of transport of intoxicant.—The State Government may, by notification, prohibit the transport of intoxicants or any kind of intoxicants from any local area into any other local area.

11. Transport of intoxicant.—No intoxicant exceeding such quantity as may be prescribed either generally or for any local area, shall be transported, except under a permit issued under section 12.

* * * * * *
* * * * * *

12. Permits for transport.—(1) The Deputy Commissioner or any other person duly empowered by the State Government in that behalf may issue a permit for the transport of intoxicants.

(2) A permit under sub-section (1) may be either a general permit for definite periods and kinds of particular intoxicants or a special permit for specified occasions and particular consignments only:

Provided that a general permit shall be granted only to persons licensed under this Act and may cover any quantity of liquor transported at any one time not exceeding the quantity specified in the permit.

(3) Every permit under this section shall specify—

(*a*) the name of the persons authorised to transport intoxicants;

(*b*) the period for which the permit is to be in force;

(*c*) the quantity and description of intoxicants for which it is granted; and

(*d*) any other particulars which may be prescribed.

(4) A permit granted under this section shall extend to and include servants and other persons employed by the grantee and acting on his behalf.

CHAPTER IV.

MANUFACTURE, POSSESSION AND SALE.

13. Manufacture, etc, of excisable article prohibited except under a licence.—(1) No person shall,—

(*a*) manufacture or collect an intoxicant;

(*b*) cultivate hemp plant; or

(c) tap a toddy producing tree or draw toddy from any tree; or

(*d*) construct or work a distillery or brewery; or

(*e*) bottle liquor for sale; or

(*f*) use, keep, or have in his possession any materials, still, utensil, implement or apparatus, whatsoever for the purpose of manufacturing any intoxicant other than toddy,

except under the authority and subject to the terms and conditions of a licence granted by the Deputy Commissioner in that behalf or under the provisions of section 18.

(2) A licence granted under this section shall extend to and include servants and other persons employed by the licensee and acting on his behalf.

14. Possession of excisable articles in excess of the quantity prescribed.—(1) The State Government may, by notification, prescribe a limit of quantity for the possession of any intoxicant:

Provided that different limits may be prescribed for different qualities of the same article.

(2) No person shall have in his possession any quantity of any intoxicant in excess of the limit prescribed under sub-section (1), except under the authority and in accordance with the terms and conditions of—

(*a*) a licence for the manufacture, cultivation, collection, sale or supply of such article, or

(*b*) a permit granted by the Deputy Commissioner in that behalf.

15. Sale of excisable articles without licence prohibited.—(1) No intoxicant shall be sold except under the authority and subject to the terms and conditions of a licence granted in that behalf:

Provided that, subject to such restrictions and conditions as the Excise Commissioner may by general or special order specify,—

(*a*) a person having the right to the toddy drawn from any tree may sell such toddy without a licence to a person licensed to manufacture or sell toddy under this Act;

(*b*) a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a licence those portions of the plant from which the intoxicating d g is manufactured or produced, to any person licensed under this Act to sell, manufacture or export intoxicating drugs or to any officer, whom the Excise Commissioner may generally or specially authorise.

(2) A licence for sale under sub-section (1) shall be granted

(*a*) by the Deputy Commissioner, if the sale is within district, or

(*b*) by the Excise Commissioner, if the sale is in more than one district :

Provided that subject to such conditions as may be determined by the Excise Commissioner, a licence for sale granted under the cise law in force in any other State may be deemed to be a licence granted under this Act.

(3) Nothing in this section shall apply to the sale of any liquor lawfully procured by any person for his private use and ld by him or on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease.

(4) Notwithstanding anything contained in sub-section (1) and 2 , no club shall supply liquor to its members on payment of a price or of any fee or subscription except under the authority of and subject to the terms and conditions of a licence granted in that behalf by the xcise Commissioner and on payment of such fees according to a scale of fees to be fixed by the State Government in this behalf.

* * * *

* * * *

16. **Establishment of distilleries and warehouses.**—(1) The Excise ommissioner may, with the previous sanction of the State overnment,—

(*a*) establish a distillery, in which spirit may be manufactured under licence granted under section 13 on such conditions as the State Government may impose ;

(*b*) discontinue any distillery so established ;

(*c*) licence, on such conditions as the State Government deems fit to impose, the construction and working of a distillery or brewery ;

(*d*) licence a private bonded warehouse ;

(*e*) establish or licence a warehouse wherein intoxicants may be deposited and kept without payment of duty ; and

(*f*) discontinue any warehouse so established.

(2) A warehouse established under sub-section (1) shall be for general accommodation * * to warehouse intoxicants subject to duty pending removal for local consumption or for export

(3) Without the sanction of the State Government no intoxicant shall be removed from any distillery, brewery, warehouse or other place of storage established or licensed under this Act, unless the duty, if any, imposed under this Act has been paid or a bond has been executed for the payment thereof.

17. Power to grant lease of right to manufacture, etc.—(1) The State Government may lease to any person, on such conditions and for such period as it may think fit, the exclusive or other right—

(*a*) of manufacturing or supplying by wholesale or of both, or
(*b*) of selling by wholesale or by retail, or
(*c*) of manufacturing or supplying by wholesale, or of both, and of selling by retail any Indian liquor or intoxicating drug within any specified area.

(2) The licensing authority may grant to a lessee under sub-section (1) a licence in the terms of his lease: and when there is no condition in the lease, which probibits sub-letting may, on the application of the lessee, graut licences to any sub-lessee approved by such authority.

18. Lessee's permission to draw toddy.—Where a right to manufacture toddy has been leased under section 17, the State Government may declare that the written permission of the lessee to draw toddy shall have the same force and effect as a licence under section 13 from the Deputy Commissioner for that purpose.

19. Duties of licensees with regard to measurement and testing. Every person, who manufactures or sells any intoxicant under a licence granted under this Act shall be bound—

(*a*) to provide himself with such measures, weights and instruments as the Excise Commissioner may prescribe and to keep the same in good condition and on the licensed premises, and

(*b*) on the requisition of the Excise Officer duly empowered in that behalf, at any time to measure, weigh or test any intoxicant in his possession in such manner as the said Excise Officer may require.

20. Prohibition of employment of children and of women.—(1) A person, who is licensed to sell any intoxicant for consumption on his

premises shall, during the hours in which such premises are kept open for persons, employ or permit to be employed, either with or without remuneration, any children under such age as the State Government ay, by rule, prescribe in this behalf, in any part of such premises in which such excisable article is consumed by the public.

(2) No person who is licensed to sell any intoxicant for consumption at his premises shall, without the previous permission in writing of the Deputy Commissioner, during the hours in which such premises are kept open for persons, employ or permit to be employed, either with or without remuneration, any women in any part of such premises in which such excisable article is consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the licence and may be modified and withdrawn.

21. Closing of shops for the preservation of public peace.—(1) The istrict Magistrate may, by notice in writing to the licensee require that any shops in which any intoxicant is sold shall be closed at such times and for such period as he may think necessary for the preservation of the public peace.

(2) If any riot or any unlawful assembly is apprehended or occurs in the vicinity of any such shop, any Magistrate or any Police ficer not below the rank of a Sub Inspector, who is present, may require such shop to be kept closed for such period as he may think necessary :

Provided that where a riot or unlawful assembly so occurs, the licensee shall in the absence of such Magistrate or Officer, close the shop without any order and keep it closed during the continuance of such riot or unlawful assembly.

CHAPTER V.

EXCISE DUTY AND COUNTERVAILING DUTY.

22. Excise duty or countervailing duty on excisable articles.—(1) excise duty at such rate or rates as the State Government ay prescribe, shall be levied on any excisable article manufactured

or produced in the State under any licence or permit granted under this Act.

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(2) A countervailing duty at such rate or rates as the State Government, may prescribe shall be levied on any excisable article manufactured or produced in India outside the State and imported into the State under a licence or permit granted under this Act.

(3) The rates prescribed under sub-sections (1) and (2) may be different for different kinds of excisable articles and may also b different when levied in the different ways specified in section 23.

23. Ways of levying such duties.—Subject to such rules regulating the time, place and manner, as may be prescribed, excise duty and countervailing duty under section 22 shall be levied in one or more of the following ways as may be prescribed, namely :—

(*a*) rateably on the quantity of any excisable article produced or manufactured in or issued from a distillery, brewery, manufactory or warehouse, or imported into the State :

(*b*) in the case of spirit or other liquor produced in any distillery established or any distillery, brewery o manufactory licensed under this Act, in accordance with its quality or strength, or in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or wort, as the case may be, as may be prescribed ;

(*c*) in the case of toddy, by tax on each tree from which to y is drawn ;

(*d*) by fees on licences in respect of the manufacture or sale of any excisable article.

EX. B.

24. Excise duty in respect of grant of leases.—Notwithstanding anything contained in sections 22 and 23, the sum accepted in consideration of the grant of any lease relating to any excisable article under section 17, shall be the excise duty or countervailing duty payable in respect of such excisable article in addition to any duty payable under sections 22 and 23.

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25. Tax for tapping trees from whom leviable.—When duty is levied by way of tax on toddy trees under section 23, and toddy trees are tapped without licence, the tax due shall be recoverable primarily from the tapper or in default by him, from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

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CHAPTER VI.

LICENCES AND PERMITS.

26. Form and conditions of licence, etc.—(1) Every licence or permit granted under this Act shall be granted on payment of such fees, for such period, and subject to such restrictions and on such conditions, and shall be in such form and shall contain such particulars, as may be prescribed.

(2) The conditions prescribed under sub-section (1) may include provision of accommodation by the licensee to Excise Officers at the licenced premises or the payment of rent or other charges for such accommodation at or near the licensed premises, and the payment of the costs, charges and expenses (including the salaries and allowances of the Excise Officers) which the State Government

may incur in connection with supervision to ensure compliance with the provisions of this Act, the rules made thereunder and the licence.

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27. Power to take security and counterpart agreement. Subject to such rules as may be prescibed, any authority granting a licence under this Act may require the licensee— *

(*a*) to give * security for the observance of the terms of his licence, * * * * * * and

(*b*) to execute a counterpart agreement in conformity with the tenor of his licence.

28. Technical defects, irregularities and omissions.—(1) No licence granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or in any proceedings taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission, shall be final.

29. Power to cancel or suspend licence, etc.—(1) Subject to such restrictions as the State Government may prescribe, the authority granting any licence or permit under this Act may cance or suspend it,—

(*a*) if any duty or fee payable by the holder thereof is not duly paid ; or

(*b*) in the event of any breach by the holder thereof, or by any of his servants or by any one acting on his behalf with his express or implied permission, of any of the terms and conditions thereof ; or

(*c*) if the holder thereof or any of his servants or any one acting on his behalf with his express or implied permission, is convicted of any offence under this Act, or

(*d*) if the holder thereof is convicted of any cognizable and non-bailable offence or of any offence under the Dangerous Drugs Act, 1930, or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, or under the Trade and Merchandise Marks Act, 1958, or under section 481, 482, 483, 484, 485, 486, 487, 488, or 489 of the Indian Penal Code or of any offence punishable under section 112 or 114 * * * of the * Customs Act, 1962; or

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(*e*) if the conditions of the licence or permit provide for such cancellation or suspension at will.

(2) Where a licence or permit held by any person is cancelled under clause (*a*), clause (*b*), clause (*c*) or clause (*d*) of sub-section (1), the authority aforesaid may cancel any other licence or permit granted to such person under this Act or under the Opium Act, 1878.

(3) The holder shall not be entitled to any compensation for its cancellation or suspension nor to the refund of any fee paid or deposit made in respect thereof.

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30. Power to withdraw licence.—(1) Whenever the authority which granted any licence under this Act considers that such licence should be withdrawn for any cause other than those specified in section 29, it * * * * * * * * may withdraw the licence on the expiration of not less than thirty days' notice in writing of its intention to do so.

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(2) When a licence is withdrawn under sub-section (1), * a part of the licence fee proportionate to the unexpired portion of the term of the licence and the deposit made by the licensee in respect thereof shall be refunded to him after deducting the amount (* due from him to the State Government.

31. Surrender of licence.—(1) Any holder of a licence granted under this Act to sell an excisable article may surrender his licence on the expiration of one month's notice in writing given by him to the Deputy Commissioner of his intention to surrender the same and on payment of the fee payable for the licence for the remainder of the period for which it would have been current but for such surrender:

Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a licence, he may remit to the holder thereof the sum so payable on surrender or any portion thereof.

(2) Sub-section (1) shall not apply in the case of any licence granted under section 17.

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CHAPTER VII.

OFFENCES AND PENALTIES.

32. Penalty for illegal import, etc.—Whoever, in contravention of this Act, or any rule, notification or order, made, issued or given thereunder, or of any licence or permit granted under this Act, imports, exports, transports, manufactures, collects or possesses any intoxicant, shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, a fin of not less than one hundred rupees shall be imposed:

Provided further that where the offence relates to the impor or manufacture of any intoxicant, the fine imposed shall not be less than four times the amount of duty leviable on such intoxicant or one hundred rupees whichever is more.

(2) Whoever in contravention on this Act, or of any rule, notification or order made, issued or given thereunder, or of any licence or permit granted under this Act,

(*a*) save in the cases provided for in section 36, sells any intoxicant ; or

(*b*) cultivates or fails to take the measures prescribed for checking the spontaneous growth or for the extirpation of the hemp plant.(* *) ; or

(*c*) taps or draws toddy from any toddy-producing tree ; or

(*d*) constructs or works any distillery or brewery ; or

(*e*) uses, keeps or has in his possession any materials, still, utensil, apparatus or implement whatsoever for the purpose of manufacturing any intoxicant other than toddy ; or

(*f*) removes any intoxicant from any distillery, brewery or warehouse licensed, established or continued under this Act ; or

(*g*) bottles any liquor ;

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, a fine of not less than one hundred rupees shall be imposed.

33. Penalty for rendering denatured spirit fit for human consumption.—Whoever,—

(*a*) renders fit for human consumption any spirit, which has been denatured ; or

(*b*) has in his possession any spirit in respect of which he knows, or has reason to believe that any such offence has been committed or that an attempt to commit such an offence has been made ; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Explanation.—For the purpose of this section, it shall be presumed, unless the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants, is, or contains, or has been derived from denatured spirit.

34. Penalty for illegal possession.—Whoever, without lawful authority has in his possession any quantity of any intoxicant knowing the same to have been unlawfully imported, transported, manufactured, cultivated or collected, or knowing the prescribed duty not to have been paid thereon, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both :

Provided that the fine, if any, inflicted, shall not be less than four times the amount of duty leviable on such intoxicant.

35. Penalty for offence not otherwise provided for.—Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or given thereunder, and not otherwise provided for in this Act, shall, on conviction, be punished with a fine which may extend to two hundred rupees.

36. Penalty for misconduct of licensee, etc.—(1) Whoever, being the holder of a licence or permit granted under this Act, or being in the employ of such holder and acting on his behalf,—

(*a*) fails to produce such licence or permit on the demand of any Excise Officer or of any other person duly empowered to make such demand ; or

(*b*) wilfully does or omits to do, anything in breach of any of the conditions of his licence, or permit, not otherwise provided for in this Act ; or

(*c*) save in a case provided for by section 32 wilfully contravenes any rule made under section 71 ; or

(*d*) permits drunkenness, disorderly conduct or gaming in any place wherein any intoxicant is sold or manufactured ; or

(*e*) permits or suffers persons whom he knows or has reason to believe to have been convicted of any non-bailable offence, or who are reputed prostitutes or habitual offenders, to resort to, or assemble or remain in or on the premises where any excisable article is sold or manufactured ; or

(*f*) sells any intoxicant to a person who is drunk ; or

(*g*) sells or gives any intoxicant to any child apparently under eighteen years of age or permits or suffers such child to remain in or on the premises where any excisable article is sold, or manufactured ; or

(*h*) in contravention of section 20 employs or permits to be employed on any part of his licenced premises referred to in that section any child or woman ;

shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(2) Where any holder of a licence or permit under this Act or any person in his employ or acting on his behalf is charged with permitting drunkenness on the premises of such holder, and it is proved that any person was drunk on such premises, it shall lie on the person charged to prove that the holder of the licence and the persons employed by him took all reasonable steps for preventing drunkenness on such premises.

37. Penalty for adulteration, etc., by licensed vender or manufacturer.—(1) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder mixes or permits to be mixed with the intoxicant sold or manufactured by him, any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under this Act, when such admixure does not amount to an offence of adulteration under section 272 of the Indian Penal Code, shall, on conviction be punished with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupes.

(2) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder,—

(*a*) sells or keeps or exposes for sale as foreign liquor, or liquor, which he knows or has reason to believe to be Indian liquor; or

(*b*) marks any bottle or the cork of any bottle, case, package, or other receptacle containing Indian liquor or uses any bottle, caser package or other receptacle containing Indian liquor, with any mark thereon or on the cork thereof, with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trademark with intention to deceive or injure any person under section 482 of the Indian Penal Code; or

(*d*) sells or keeps or exposes for sale any Indian liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence, of selling goods marked with counterfeit trade mark, under section 486 of the Indian Penal Code;

shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

38. Penalty for consumption in Chemist's shop, etc.—(1) A chemist druggist, apothecary or keeper of a dispensary, who allows any intoxicant which has not been *bona fide* medicated for medicinal purposes to be consumed on his business premises by any person * *

* * shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(2) Any person not employed as aforesaid, who consumes any such intoxicant on such premises shall, on conviction, be punished with fine which may extend to two hundred rupees.

39. Manufacture, sale or possession by one person on account of another.—(1) Where any intoxicant has been manufactured or sold

or is possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture or sale was or that such possession is, on his account, the article shall, for the purposes of this Act, be deemed to have been manufactured or sold by or to be in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person, who manufactures, sells or has possession of any intoxicant on account of another person from liability to any punishment under this Act for unlawful manufacture, sale or possession of such article.

40. Presumption as to commission of offence in certain cases.—In prosecutions under section 32 and section 34, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of—

(*a*) any intoxicant; or

(*b*) any still, utensil, implement or apparatus whatsoever in the manufacture of any intoxicant other than toddy; or

(*c*) any materials which have undergone any process towards the manufacture of an intoxicant or from which an intoxicant has been manufactured,

for the possession of which he is unable to account satisfactorily.

41. Criminal liability of licensee for acts of servants.—Where any offence under section 32, section 33, section 34, section 36 or section 37 is committed by any person in the employ and acting on behalf of the holder of a licence or permit granted under this Act, such holder shall also be punishable as if he had comitted himself the said offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable under this section with imprisonment, except in default of payment of fine.

42. Enhanced punishment after previous conviction.—If any person, after having been previously convicted of an offence punishable under section 32, section 33 section 34, section 37 or section 38 or under the

corresponding provisions in any enactment repealed by this Act, subsequently commits and is convicted of an offence punishable under any of these sections, he shall be liable to twice the punishment which might be imposed on a first conviction under this Act :

Provided that nothing in this section shall prevent any offence which might otherwise have been tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898, from being so tried.

43. Liability of certain things to confiscation.—Whenever an offence has been committed, which is punishable under this Act, the following things shall be liable to confiscation, namely :—

(1) any intoxicant, materials, still, utensil, implement or apparatus in respect of, or by means of which, such offence has been committed ;

(2) any intoxicant lawfully imported, transported, manufactured, had in possession or sold along with, or in addition to, any intoxicant liable to confiscation under clause (1) ; and

(3) any receptacle, package, or covering in which anything liable to confiscation under clause (1) or clause (2), is found, and the other contents, if any, of such receptacle, package or covering and any animal, vehicle, vessel, raft or other conveyance used for carrying the same :

Provided that, if anything specified in clause (3) is not the property of the offender, it shall not be confiscated if the owner thereof had no reason to believe that such offence was being or was likely to be committed.

44. Order of confiscation.—(1) Where in any case tried by him, the Magistrate decides that anything is liable to confiscation under section 43, he may either order confiscation or may give the owner of the thing liable to be confiscated an option to pay in lieu of confiscation such fine as the Magistrate thinks fit.

(2) When an offence under this Act has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the case shall be

inquired into and determined by the Excise Commissioner or by any other officer authorised by the State Government in that behalf, who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizing the goods intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce, in support of their claims :

Provided further that if the thing in question is liable to speedy and natural decay, or if the Excise Commissioner or the authorised officer is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

45. Compounding of offences.—(1) The Excise Commissioner, the Deputy Commissioner, or any Excise Officer specially empowered in that behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under clause (*a*) or clause (*b*) of sub-section (1) of section 29 or who is reasonably suspected of having committed an offence under sub-section (2) of section 32, section 33, section 34, section 35, section 36 or sub-section (2) of section 37, a sum of money not exceeding one thousand rupees and subject to such minim a as may be prescribed, in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed, as the case may be ; and in all cases in which any property has been seized as liable to confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such sum of money or such value or both, as the case may be, such person, if in custody, shall be set at liberty and all the property seized may be released and no proceedings shall be instituted against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same act.

46. Penalty on Excise Officer making vexatious search, seizure, detention or arrest.—Any Excise Officer or other person who vexatiously and without reasonable ground for suspicion—

(*a*) enters or searches or causes to be entered or searched any closed place under colour of exercising any power conferred by this Act, or

(*b*) seizes the moveable property of any person on the pretext of seizing or searching for any article liable to confiscation under this Act, or

(*c*) searches, detains or arrests any person, or

(*d*) in any other way exceeds his lawful powers under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

47. Penalty for Excise Officer refusing to do duty.—Any Excise Officer, who, without lawful excuse shall cease or refuse to perform or withdraws himself from, the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his official superior officer two months' notice in writing of his intention to do so, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

48. Penalty for vexatious delay.—Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to the nearest Excise Officer or to the officer in charge of the nearest police station, as required by sub-section (2) of section 59, any person arrested, shall, on conviction, be punished with fine which may extend to two hundred rupees.

49. Penalty for abetment of escape of persons arrested, etc.—Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act or abets the commission of any offence against this Act, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or contravened or the

excise revenue may be defrauded and any officer of any other Department referred to in section 50 who abets the commission of any offence against this Act in any place, shall, on conviction, for every such offence, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

CHAPTER VIII.

DETECTION, INVESTIGATION AND TRIAL OF OFFENCES.

50. Landholders, officers and others to give information.—(1) Whenever any intoxicant is manufactured or collected, or any hemp plant is cultivated, in or on any land or building, in contravention of this Act—

(*a*) all owners and occupiers of such land or building or their agents, and

(*b*) (i) village officers or servants including members of the village police,

(ii) Chairman, members and officers of the village panchayat, and

(iii) all officers (other than Excise Officers), employed in the collection of revenue or rent of land on behalf of the State Government, or a local authority in the locality in which such land or building is situate,

shall, in the absence of reasonable excuse, be bound to give notice of the fact to a magistrate or to an officer of the Excise or Police or Revenue Department as soon as the fact comes to their knowledge.

(2) Every Excise Officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Act, which may come to his knowledge under sub-section (1) or otherwise.

(3) All such officers, members or servants as are referred to in sub-section (1) shall be bound—

(*a*) to take all reasonable measures in their power to prevent the commission of such breaches which they may know, or have reason to believe are about or likely to be committed; and

(*b*) to assist the Excise Commissioner in carrying out the provisions of this Act.

51. Power to enter and inspect places of manufacture and sale.—The Excise Commissioner or a Deputy Commissioner or any Excise Officer not below such rank as may be prescribed, or any Police Officer duly empowered in that behalf, may—

(*a*) enter and inspect, at any time, by day or by night, any place in which any licensed manufacturer manufactures or stores any intoxicant, and

(*b*) enter and inspect at any time within the hours during which sale is permitted, and at any other time during which the same may be open, any place in which any intoxicant is kept for sale by any person holding a licence under this Act; and

(*c*) examine accounts and registers and examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, or intoxicant found in such place.

52. Power to arrest without warrant, to seize articles liable for confiscation and to make searches.—(1) Any officer of the State Government, employed in the Excise, Police or Revenue Departments of the State, subject to such restrictions as may be prescribed, and any other person duly empowered, may—

(*a*) arrest without warrant any person found committing an offence punishable under section 32, section 33, section 34, section 36 or section 37;

(*b*) seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act, or any other law for the time being in force relating to excise revenue; and

(*c*) detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle or covering in or upon which, he may have reasonable cause to suspect any such article to be.

(2) When any person is accused or is reasonably suspected of committing an offence under this Act, other than an offence under

section 32, section 33, section 34, section 36 or section 37 and on demand of any such officer as aforesaid, refuses to give his name and residence or gives a name and residence which such officer has reason to believe is false, he may be arrested by such officer, in order that his name and residence may be ascertained.

53. Power of magistrate to issue a warrant.—If a magistrate, upon information and after such enquiry (if any) as he thinks necessary, has reason to believe that an offence under section 32, section 33, section 34, section 36 or section 37 has been, is being or is likely to be committed, he may issue a warrant—

(*a*) for the search of any place in which he has reason to believe that any intoxicant, still, utensil, implement, apparatus or materials which are used for the commission of such offence or in respect of which such offence has been, is being, or is likely to be committed, are kept or concealed, and

(*b*) for the arrest of any person whom he has reason to believe to have been, to be, or to be likely to be engaged in the commission of any such offence.

54. Power to search without warrant.—Whenever the Excise Commissioner or a Deputy Commissioner or any Police Officer not below the rank of an officer in charge of a Police Station or any Excise Officer not below such rank as may be prescribed, has reason to believe that an offence under section 32, section 33, section 34, section 36 or section 37 has been, is being, or is likely to be committed, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, after recording the grounds of his belief—

(*a*) at any time by day or by night enter and search any place and seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and

(*b*) detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.

55. Power of Excise Officers in matters of investigation.—(1) Any Excise Inspector or any Excise Officer not below such rank and within such specified area as the State Government may, by notification, prescribe, may, as regards offences under section 32, section 33 section 34, section 36 or section 37 exercise powers conferred on an officer in charge of a police station by the provisions of the Code of Criminal Procedure, 1898:

Provided that any such power shall be subject to such restrictions and modifications, if any, as the State Government may prescribe.

(2) For the purposes of section 156 of the said Code, the area in regard to which an Excise Inspector is empowered under subsection (1) shall be deemed to be a police station and such officer shall be deemed to be the officer in charge of such station.

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56. Report by Investigating Officer.—If, on any investigation by an Excise Inspector or an Excise Officer empowered under subsection (1) of section 55 it appears that there is sufficient evidence to justify the prosecution of the accused, the Investigating Officer,

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shall submit a report (which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1898, be deemed to be a police report), to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police reports.

57. Report by Excise Officer.—Where any Excise Officer below the rank of an Inspector makes any arrest, seizure or search under this Act, he shall, within twenty-four hours thereafter—

(*a*) make a full report of all the particulars of the arrest seizure or search to his immediate official superior, and

(*b*) unless bail be accepted under section 59, take or send the person arrested or the thing seized, with all convenient despatch, to a Magistrate for trial or adjudication.

58. Arrest, search, etc., how to be made.—Any person arrested under this Act shall be informed, as soon as may be, of the grounds for such arrest and save as in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898, relating to arrests, detention in custody, searches, summonses, warrants of arrests, search-warrants, the production of persons arrested and the disposal of things seized, shall apply, as far as may be, to all action taken in these respects under this Act.

59. Security for appearance in case of arrest without warrant.—(1) The State Government may, by notification, empower any Excise Officer to release on bail persons arrested under this Act, otherwise than on a warrant.

(2) When a person is arrested under this Act, otherwise than on a warrant, by a person or officer who is not authorised to release arrested persons on bail, he shall be produced before or forwarded to,—

(*a*) the nearest Excise Officer who has authority to release arrested persons on bail, or

(*b*) the nearest officer in charge of the Police station,

whoever is nearer.

(3) Whenever any person arrested under this Act, otherwise than on a warrant, is prepared to give bail, and is arrested by or produced in accordance with sub-section (2) before an officer who has authority to release arrested persons on bail, he shall be released on bail or at the discretion of the officer releasing him, on his own bond.

(4) The provisions of sections 499 to 502, section 513, section 514 and section 515 of the Code of Criminal Procedure, 1898, shall apply, so far as may be, in every case, in which bail is accepted or, bond taken under this section.

60. Procedure for prosecution.—No Magistrate shall take cognizance of an offence punishable—

(*a*) under section 35 or section 38 except on the complaint or report of the Deputy Commissioner or of an Excise Officer authorised by the Deputy Commissioner in this behalf, or

(*b*) under any other section of this Act other than section 46 or section 48, except on his own knowledge or suspicion or on the complaint or report of an Excise or Police Officer.

CHAPTER IX

APPEALS AND RVISION.

61. Appeals.—(1) Any person aggrieved by an order passed by any officer other than the Excise Commissioner or the Deputy Commissioner under this Act, may, within sixty days from the date of communication of such order, appeal to the Deputy Commissioner.

(2) Any person aggrieved by an order passed by the Deputy Commissioner under this Act, may, within ninety days from the date of communication of such order, appeal to the Excise Commissioner.

(3) Any person aggrieved by an order passed by the Excise Commissioner under sub-section (2), may, within ninety days from the date of communication of such order appeal to the Mysore Revenue Appellate Tribunal.

(4) Subject to the foregoing provisions, appeals under this section, shall be subject to the rules which the State Government may make in this behalf.

62. Revision.—The State Government may call for and examine the records of any proceedings before any officer including those relating to the grant or refusal of a licence, or permit, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of such proceedings and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit:

Provided that no order shall be annulled, reversed or modified except after giving a reasonable opportunity of being heard to the person affected by that order.

CHAPTER X.

MISCELLANEOUS.

63. Recovery of Government dues.—(1) The following moneys, namely :—

(*a*) all excise revenue,

(*b*) any loss that may accrue when, in consequence of default, a grant has been taken under management by the Deputy Commissioner, or has been re-sold by him, and

(*c*) of amounts due to the Government by any person on account of any contract relating to the excise revenue,

may be recovered from the person primarily liable to pay the same or from his surety, if any, as if they were arrears of land revenue.

(2) When a grant has been taken under management by the Deputy Commissioner, or has been re-sold by him, the Deputy Commissioner he may recover, in the manner authorised by sub-section (1), any money due to the defaulter by any lessee or assignee.

64. Government lien on property of defaulters.—In the event of default by any person licensed or holding lease under this Act, all his distillery, brewery or warehouse or shop buildings, fittings or apparatus, and all stocks of intoxicants or materials for the manufacture of the same held in or upon any distillery, brewery, warehouse or shop or premises, shall be liable to be attached in satisfaction of any claim for excise revenue, or in respect of any losses incurred by the State Government through such default and to be sold to satisfy such claim which shall be a first charge upon the sale proceeds.

65. Recovery of dues by lessee under section 17.—Any person to whom a lease has been granted in accordance with the provisions of section 17, may, in a case where sub-letting is not forbidden by the terms of the lease, proceed against any person holding under him for the recovery of any money due in respect of such sub-lease or

holding, as if it were an arrear of rent recoverable under the law for the time being in force with regard to land-lord and tenant :

Provided that nothing in this section shall affect the right of any such grantee to recover any such money by a civil suit.

66. Refund in cases of exported liquor.—Where excise duty has been levied in respect of the manufacture or production of any liquor in the State and such liquor is subsequenty exported to any other State in India and is subjected to excise or countervailing duty in that State, the Excise Commissioner may on production of proof of such payment of duty, grant refund of duty already paid to such extent as the State Government may prescribe :

Provided that where the State Government so directs, the Excise Commissioner may, permit during such period or periods as may be specified in such direction, the export of any liquor on which excise duty is payable, on the furnishing of adequate security for payment of the excise duty due thereon ; and, on production of proof of payment of countervailing duty on such liquor in any other State, give rebate to the extent prescribed under this section and collect the balance of the excise duty.

67. Power of State Government to exempt, etc.—The State Government may, by notification, and subject to such restrictions and conditions as may be specified in such notificaion,—

(*a*) exempt or reduce the excise duty levied under section 2 on any liquor sold,

(i) for use or consumption by the members of the Armed Forces of the Union ; or

(ii) for use for *bona fide* medicinal, scientific, industrial or such like purpose ;

(*b*) exempt any intoxicant from any of the provisions of this Act, other than those of Chapter V, in any specified area or for any specified period or occasion

68. Protection of action taken under this Act.—No suit or other legal proceeding shall lie against the State Government or any Excise Officer or any other person empowered to exercise powers or to

erform the functions under this Act for anything in good faith done r intended to be done under this Act.

69. Limitation of suits.—No suit shall lie against the State overnment or against an Excise Officer other than a suit by the tate Government, in respect of anything done or alleged to have one in pursuance of this Act, unless the suit is instituted within x months from the date of the act complained of.

70. Offences by companies, etc.—(i) If the person committing n offence under this Act is a company, the company as well as every erson in charge of, and responsible to the company for the conduct f its business at the time of the commission of the offence shall be eemed to be guilty of the offence and shall be liable to be proceeded gainst and punished accordingly :

Provided that nothing contained in this sub-section shall nder any such person liable to any punishment if he proves that he offence was committed without his knowledge or that he exercised l due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), here an offence under this section has been committed by a company d it is proved that the offence has been committed with the consent connivance of, or that the commission of the offence is attributable any neglect on the part of any Director, Manager, Secretary, or her officer of the Company, such Director, Manager Secretary or her Officer shall also be deemed to be guilty of that offence and all be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director", in relation to a firm, means a partner in the firm.

71. Power to make rules.—(1) The State Government may, by ification and after previous publication, make rules to carry out purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules—

(*a*) prescribing the powers and duties of Excise Officers;

(*b*) regulating the delegation of any power by the Excise Commissioner or the Deputy Commissioner under section 7;

(*c*) [* * * *
* * * *
* * * *
* * * *

* * prescribing the time and manner of presenting appeals and the procedure for dealing with appeals;

(*d*) regulating the import, export, transport, manufacture, cultivation, collection, possession, supply or storage of any intoxicant and may, by such rules, among other matters—

(i) regulate the tapping of toddy-producing trees, the drawing of toddy from such trees, the marking of the same, and the maintenance of such marks;

(ii) declare the process by which spirit shall be de-natured and the denaturation of spirit ascertained; and

(iii) cause spirit to be denatured through the agency or under the supervision of its own officers;

(*e*) regulating the periods and localities in which, and the persons or classes of persons to whom, licences for the wholesale or retail sale of any intoxicant may be granted and regulating the number of such licences which may be granted in any local area;

(*f*) prescribing the procedure to be followed and the matters to be ascertained before any licence for such sale is granted for any locality;

(*g*) regulating the time, place and manner of payment of any duty or fee and the taking of security for the due payment of any duty or fee;

(*h*) prescribing the authority by which, the form in which and the terms and conditions on and subject to which any licence or permit shall be granted, and may, by such rules, among other matters,—

(i) fix the period for which any licence or permit shall continue in force;

(ii) prescribe the scale of fees, or the manner of fixing the fees payable in respect of any lease, licence or permit, or the storing of any excisable article;

(iii) prescribe the amount of security to be deposited by the holders of any licence or permit for the performance of the conditions of the same;

(iv) prescribe the accounts to be maintained and the returns to be submitted by licence holders;

(v) prohibit or regulate the transfer of licences; and

(vi) prescribe the ages under which it shall be unlawful to employ children and to sell or give to children excisable articles;

(*i*) providing for the destruction or other disposal of any intoxicant deemed to be unfit for use;

(*j*) regulating disposal of confiscated articles;

(*k*) regulating the grant of expenses to witnesses and to persons charged with offences under this Act, and subsequently released or acquitted;

(*l*) regulating the power of Excise Officers to summon witnesses;

(*m*) Prescribing the rent payable to the Government in respect of toddy trees from which toddy is drawn;

(*n*) any other matter that may be prescribed under this Act.

(3) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act.

(4) Every rule-made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

72. **Repeal and saving.**—The following enactments namely :—

(*a*) the Mysore Excise Act, 1901 (Mysore Act IV of 1901);

(*b*) The Abkari Act, 1316-F (Hyderabad Act I of 1316- F. and the Intoxicating Drugs Act, 1333-F.-(Hyderabad Act I V of 1333F.)

(*c*) The Madras Abkari Act, 1886, Madras Act (I of 1886) shall stand repealed:

Provided that section 6 of the Mysore General Clause Act, 1899 (Mysore Act 3 of 1899) shall be applicable in respect of such repeal, and section 8 and section 24 of the said Act shall be applicable as if the said enactments were enactments within the meaning of the said Act and had been repealed and re-enacted by this Act.

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PART IV—2-A

BANGALORE, SATURDAY, JANUARY 16, 1965 (PUSHYA 26, SAKA ERA 1886). | No. 9

MYSORE LEGISLATURE.

NOTIFICATION.

No. 12107/L.A., Bangalore-1, dated 16th January 1965.

The Report of the Joint Select Committee on the **Mysore Irrigation Bill 1964**, and the Bill as reported by the Joint Select Committee and as presented to the Legislative Assembly and to the Legislative Council on 16th January, 1965, are hereby published.

EPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE IRRIGATION BILL, 1963.

Composition of the Joint Select Committee.

Sriyuths.—

1. VEERENDRA PATIL *Minister for Public Works (Chairman).*
2. M. V. RAMA RAO, *Minister for Law.*
3. ALUR HANUMANTHAPPA, *Deputy Minister for Minor Irrigation.*
4. B. BHASKAR SHETTY.
5. C. M. REVANNASIDDIAH.
6. G. RAME GOWDA.
7. C. J. MUKKANNAPPA.
8. THIRUMALA DEVA RAYA.
9. G. N. DESAI.
10. N. A. KARLINGANNAVAR.
11. T. MADIAH GOWDA.
12. S. S. KOLKEBAIL.
13. SMT. ANNAPURNA BAI RAGATE.
14. SMT. YELLAWWA SAMBRANI.
15. M. Y. GHORPADE.
16. N. HUCHMASTY GOWDA.
17. K. H. RANGANATH.
18. K. S. CHANNAPPA.
19. C. S. BALAKRISHNA GOWDA.
20. R. S. MAHANTHA SHETTY.
21. S. G. KHELGI.
22. SYED ABDUL RAHAMAN.

SECRETARIAT.

SRI G. S. VENKATARAMANA IYER (*Secretary*).
SRI V. B. DESHMUKH (*Under Secretary*).

DRAFTSMEN.

SRI R. SANJEEVALU,

Secretary to Government, Law Department.

SRI M. A. SRIKRISHNA,

Draftsman, Law Department.

SRI M. L. RAMASWAMI,

Deputy Draftsman, Law Department.

Representative of the Department

SRI CHANDAPPA PATIL,

Secretary to Government, Public Works Department.

(*Presented on* 16*th January*, 1965)

I, the Chairman of the Joint Select Committee to which the Mysore Irrigation Bill, 1963, was referred, having been authorised to submit the report, present this Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* (Extraordinary , on 9th December, 1963.

3. The Bill was introduced in the Assembly on 10th December, 1963. The Legislative Assembly discussed the motion for consideration on 12th December, 1963. The motion for reference of the Bill to a Joint Select Committee in the House-*vide* Appendix I - was moved by me on 17th December, 1963.

4. The Legislative Council discussed the motion on 24th March 1964 and concurred in the motion on 25th March 1964-*vide* Appendix II.

5. The Committee held sittings on 11th May, 12th May, 13th May, 5th June, 6th June and 24th June, 1964, 4th and 5th January 1965.

6. The Committee considered the report on 4th and 5th January 1965 and adopted it on 5th January 1965. The Committee authorised me to present this report.

7. The observations of the Committee with regard to the principal changes in the Bill are detailed in the succeeding paragraphs.

8. Clause 1.—The Committee consider that the Act should be applicable to all irrigation works throughout the State on the date appointed under sub-clause (3) of this clause. Original sub-clause (4) of this clause has therefore been deleted.

9. Clause 4.—The Committee are of the opinion that in respect of the construction of wells, the control should be limited to areas where in the interests of proper irrigation from any irrigation work such control is necessary. The reference to wells in the original clause 4 has therefore been deleted, and a sub-clause (2) has been added providing for the control of wells in specified areas.

10. Clause 24—sub-clause (1).—The Committee consider that seven days' notice is sufficient to require the user of a field-channel to execute necessary repairs to it. The sub-clause has accordingly been amended.

11. Clause 27.—The Committee are of the opinion that for purposes of regulating the time for letting out water for irrigation, the period of supply, etc., the Irrigation Officer should consult, a Committee of official and non-official members constituted by the State Government. The clause has been accordingly amended.

12. Clause 28: (1) Sub-clause (1).—The Committee consider that the supply of water by the Irrigation Officer under this sub-clause should be subject to the general or special orders of the Government determining the extent of lands for which water can be made available from the irrigation work. This sub-clause has accordingly been amended.

(2) **Sub-clause** (4).—It is necessary to make it clear that the permission to be given under this sub-clause should be without detriment to the supply of water to lands assessed as wet lands or included in any area to which supply of water is regulated under section 27. The sub-clause has accordingly been amended.

13. Clause 31.—Sub-clause (3).—The Committee consider that he limitation for filing an appeal to the Deputy Commissioner from n order of the Irrigation Officer should be fifteen days instead of even days. The sub-clause has accordingly been amended.

14. Clause 32. (1) **Sub-clause** (2).—The Committee consider that for making the declaration under sub-clause (2) the Irrigation Officer should consult the Committee appointed under clause 27 and obtain the approval of the Deputy Commissioner. The sub-clause has accordingly been amended.

(2) **Proviso.**—The Committee are of the opinion that the exemption contemplated by the proviso should apply only if no water is utilised either directly or indirectly for growing any crop. The proviso has accordingly been amended.

15. Clause 35—sub-clause (1).—The Committee consider that compensation should be paid even in the case of entry on the land under section 5. The sub-clause has accordingly been amended.

16. Clause 41.—The Committee are of the opinion that the wages payable to persons rendering service in emergency should be at rates fifty per cent in excess of the normal rates. The clause has accordingly been amended.

17. Clause 44.—(1) **Sub-clause** (1).—The Committee consider that the rate of maintenance cess should be limited to four rupees per acre instead of five rupees per acre as proposed in the Bill. The sub-clause has accordingly been amended.

(2) **Provisos** (**new proviso**).—The Committee are of the opinion that where water is not made available for the use of any land benefited by an irrigation work for a period of two consecutive years the holder of such land should not be liable to pay the maintenance cess for those years and where the cess has been paid in respect of those years, it should be refunded or adjusted towards the cess payable for any later year. The proviso has accordingly been inserted.

18. Clause 45 (**New Clause**).—The Committee are of the opinion that where under any law for the time being in force the duty of maintenance of any irrigation work devolves on the Tungabhadra Board or a Taluk Development Board or other authority, an amount equal to the amount collected as maintenance cess on lands benefited by such irrigation work should be paid to the Tungabhadra Board, Taluk Development Board or other authority, as the case may be. The new clause has accordingly been inserted.

19. Clause 46 (**Original clause 45**).—The Committee consider that it is not desirable to provide in rules for the construction of reservoirs across natural streams as contemplated in item (*b*) of this clause. The item has therefore been deleted.

20. Clause 48 (**Original clause 47**).—The Committee consider that the provisions of sub-clause (1) should apply to bunds and surplussing arrangements of not only reservoirs but also of tanks, wells, ponds, etc. Sub-clauses (1) and (2) of this clause have accordingly been amended.

21. Clause 49 (**Original clause 48**).—The Committee consider that the restriction regarding mining or quarrying operations should be limited to a distance of one kilometre from the boundary of any irrigation work instead of four hundred metres. The clause has accordingly been amended.

22. Clause 51 (Original clause 49).—The committee are of the opinion that Government may be empowered to specify from time to time the distance from an irrigation work within which no new well shall be excavated instead of fixing the same in the Act itself. The clause has accordingly been amended.

23. Clause 53 (Original clause 51).—The Committee consider that fishing should be regulated not only in reservoirs but also in tanks. The clause has accordingly been modified.

24. Clause 54 (New clause).—The Committee are of the opinion that the depositing of produce of mines in or near channels through which rain or other water flows into any irrigation work should be prohibited. This clause has therefore been inserted.

25. Clause 55 (Original clause 53).—(1) The Committee consider that the opening, etc., of an outlet or other similar contrivance in any irrigation work should also be made an offence. Item (iii) has therefore been suitably amended.

(2) The Committee also consider that offence under sub-clause (xii) should also be made punishable with the higher penalty contemplated by this clause and that the minimum penalty for a second or subsequent offence under items (vii) and (viii) should be limited to a fine of fifty rupees. Necessary amendments have accordingly been made.

26. Clause 59 (Original clause 57).—The Committee consider that the proviso is unnecessary, and accordingly it has been omitted.

27. Clause 60 (Original clause 58).—The Committee are of the opinion that the offences under items (vii) and (viii) of section 55 should not be declared to be cognizable. The clause has accordingly been amended.

28. Clause 61 (Original clause 59).—The Committee are of the opinion that persons taken into custody without a warrant should be made over to a police officer or in the absence of a police officer should be taken or caused to be taken to the nearest police station.

They also consider that in item (a), the words "alters, enlarges" should be included and the word "fouls" should be omitted. The item has accordingly been amended.

29. Clause 68 (Original clause 66).—The Committee consider that affixture of a notice on the outer door of the house in which the person therein named ordinarily dwells should not be considered to be a mode of service of the notice. The clause has accordingly been modified.

30. The other amendments made in the Bill are either of a minor nature or consequential or intended to improve the wording.

31. The Joint Select Committee recommend that the Bill as amended be passed.

VEERENDRA PATIL,

Chairman,
Joint Select Committee.

Bangalore,
5th January, 1965.

G. S. VENKATARAMANA IYER,
Secretary.

APPENDIX I.

(*Vide* Para 3 of the Report.)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

"That the Mysore Irrigation Bill, 1963, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely:—

Sriyuths :—

1 Alur Hanumanthappa
2 B. Bhaskar Shetty,
3 C. M. Revanasiddiah
4 G. Rame Gowda
5 C. J. Muckannappa
6 Thirumala Deva Raya
7 G. N. Desai
8 N. A. Karlingannavar
9 T. Madiah Gowda
10 S. S. Kolkebail
11 Smt. Annapurna Bai Ragate
12 Smt. Yellawwa Sambrani
13 M. Y. Ghorpade
14 N. Huchamasty Gowda
15 K. H. Ranganath"

APPENDIX II.

(*Vide* Para 4 of the Report.)

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

"That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Irrigation Bill, 1963 consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :—

1 K. S. Channappa
2 C. S. Balakrishna Gowda
3 R. S. Mahantha Shetty
4 S. G. Khelgi
5 Syed Abdul Rahaman"

[As Reported by the Joint Select Committee]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE IRRIGATION BILL, 1965.

Bill to make provision relating to the construction, maintenance and regulation of irrigation works, the supply of water therefrom, obtaining labour in emergencies and certain other matters pertaining to irrigation in the State of Mysore.

WHEREAS it is expedient to make provision relating to the construction, maintenance and regulation of irrigation works, the supply of water therefrom, obtaining labour in emergencies and certain other matters pertaining to irrigation in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent, commencement and application.—(1) This Act may be called the Mysore Irrigation Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

* * *

2. **Definitions**.—In this Act, unless the context otherwise requires—

(*a*) "Canal Officer" means any officer appointed or invested with powers of a Canal Officer under section 3;

(*b*) "Chief Engineer" means an officer appointed by the State Government as Chief Engineer for Irrigation and includes any officer appointed to perform the functions of a Chief Engineer under this Act;

(*c*) "Deputy Commissioner" includes any officer not below the rank of an Assistant Commissioner, appointed by the State Government to exercise all or any of the powers of a Deputy Commissioner under this Act;

(*d*) "drainage work" includes,—

(i) channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels;

(ii) escape channels from an irrigation work, dams, weirs, embankments, sluices, groynes and other works connected therewith, but does not include works for the removal of sewage;

(iii) any work in connection with a system of reclamation made or improved by Government for the purpose of drainage of the country; and

(iv) all works for the protection of lands from inundation or erosion, constructed or maintained either wholly or in part by the State Government;

(*e*) "field-channel" means any water course, hikkal or pipe having a capacity not exceeding one cubic foot per second, which is

supplied with water from an irrigation work; and includes all subsidiary works belonging to such field-channel, except the sluice or outlet through which water is supplied to such channel or pipe;

(*f*) "flood-embankment" means any embankment constructed or maintained by Government in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the State Government to be maintained in connection with any such system, and includes all groynes, spurs, dams and other protective works connected with such embankments;

(*g*) "Irrigation Officer" means any officer appointed as an Irrigation Officer or invested with the powers of an Irrigation Officer under section 3;

(*h*) "irrigation work" includes,—

(i) all reservoirs, tanks, wells, anicuts, bandharas, ponds, springs, ponds, canals, field-channels, thalapariges, pipes, channels, aqueducts and sluices constructed, maintained or controlled wholly or partly by Government for the supply, conveyance or storage of water;

(ii) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, anicuts, bandharas, channels, canals, pipes, sluices, and all roads constructed for facilitating the construction or maintenance of such reservoirs, tanks, anicuts, bandharas, canals, channels, pipes and sluices;

(iii) all drainage works and flood embankments;

(iv) any part of a river, stream, lake, natural collection of water or natural drainage channel, to which the State Government may apply the provisions of section 5 or of which the water has been applied or used before the commencement of this Act for the purpose of any existing irrigation work;

(v) all lands appropriated by the State Government for the purpose of such reservoirs, tanks, anicuts, bandharas, canals, channels, pipes, sluices and all buildings, machinery, fences, gates and other erections upon such lands;

(*i*) "land holder" or "holder" means the person in whom right to hold the land is vested, whether solely on his own account or wholly or partly in trust for another person or for a class of persons or for the public and includes a mortgagee vested with right of possession ;

(*j*) "notification" means a notification published in the cial Gazette ;

(*k*) "occupier" means, in respect of any land, any person who has an interest in the land and cultivates the land himself or by is servants, or by hired labour, and includes a tenant ;

(*l*) "owner" includes every person having a joint interest in he ownership of the thing specified ; and all rights and obligations which attach to an owner under this Act shall attach jointly and severally to every person having such joint interest in the ownership ;

(*m*) "patel" means such officer as the State Government may eclare to be a patel for the purposes of this Act ;

(*n*) "prescribed" means prescribed by rules made under this ct ;

(*o*) "Tahsildar" includes any officer appointed by the State overnment to exercise all or any of the powers of a Tahsildar nder this Act.

3. Appointment of officers.—The State Government, or, subject such conditions as may be prescribed, any officer of Government mpowered in this behalf may by notification—

(*a*) appoint such officers with such designations, and assign to hem respectively such powers and duties over such areas or such rigation works under this Act, as the State Government or such fficer may deem fit;

(*b*) invest any officer of Government in any Department or any ther person with such powers and impose upon him such duties over uch areas or such irrigation works under this Act, as the Stat overnment or such officer may deem fit.

CHAPTER II.

CONSTRUCTION, CONTROL AND MAINTENANCE OF IRRIGATION WORKS.

4. Construction, control and maintenance of irrigation works only with consent of Government and subject to conditions.—(1) No person shall construct, control or maintain wholly or partly any reservoir, tank, * anicut, bandhara, pond, spring pond, canal, field channel, talaparige, channel or aqueduct except with the previous sanction of the State Government or such other authority as may be authorised by the State Government in this behalf and subject to such conditions as the State Government or such authority may impose.

(2) Where the State Government is of the opinion that in the interests of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to control the construction of wells in any area or areas, the State Government may by notification specify such area or areas; and thereupon no person shall within such area or areas construct any well except with the previous sanction of the State Government or other authority authorised by the State Government in this behalf, and subject to such conditions as the State overnment or such authority may impose.

* * * *

* * * *

5. Notification to issue when water supply is to be applied for purposes of irrigation works.—(1) Whenever it appears expedient to the State Government or any officer generally or specially authorised by it in this behalf, that the water of any river or stream flowing in a natural channel or of any lake or any other natural collection of still water, should be applied or used by the State Government for the purpose of any existing or proposed irrigation work, the State Government or the authorised officer may, by notification, declare that the said water will be so applied or used after a day to be specified in the said notification, not being earlier than three months from the date thereof.

(2) At any time after the day specified under sub-section (1), the Irrigation Officer may enter on any land, remove any obstruction, close any channel and do any other thing necessary for such application

or use of the said water, and for such purpose, may take with him, or depute or employ such subordinates and other persons as he deems fit.

6. Entry for inquiry.—Whenever it shall be necessary to make any inquiry or examination in connection with a proposed irrigation work or with the maintenance of an existing irrigation work, the Irrigation Officer, or any person acting under the general or special order of such Irrigation Officer may—

(*a*) enter upon such land as he may think necessary for the purpose; and

(*b*) exercise all powers and do all things in respect of such land as he might exercise and do, if the State Government had issued a notification under the provisions of section 4 of the Land Acquisition Act, 1894, to the effect that land in that locality is likely to be needed for a public purpose; and

(*c*) set up and maintain water-gauges and do all other things necessary for the purpose of such inquiry and examination.

7. Power to inspect and regulate supply.—The Irrigation Officer or any person acting under the general or special order of such Irrigation Officer, may enter upon any land, building or field-channel, for the purpose of inspecting or regulating the use of water supplied or of measuring the land, irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation, maintenance and management of the irrigation work from which such water is supplied.

8. Power to enter for repairs and to prevent accidents.—In case of any accident or damage being apprehended or occurring to an irrigation work, the Irrigation Officer, or any person or persons acting under the general or special order of such Irrigation Officer, may enter upon any land adjacent to or in the neighbourhood of such irrigation work and may remove trees and other materials and execute all works which may be necessary for the purpose of preventing such accident or repairing any damage.

9. Notice to occupier.—When an Irrigation Officer or any other person acting under his general or special order in this behalf,

proposes, under the provisions of section 6, 7 or 8, to enter into any building or enclosed court or garden attached to a dwelling house, which is not supplied with water from an irrigation work not adjacent to a flood-embankment, he shall previously give to the occupier of such building, court or garden such reasonable written notice as the urgency of the case may allow.

10. Means of crossing canals to be provided and obstruction to drainage to be avoided.—Suitable means of crossing canals and channels shall be provided at such places as the State Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land; and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any canal or channel.

11. Government may prohib obstructions of rivers, etc., within certain limits.—Whenever it appears to the State Government that injury to the public health, or public convenience, or to any irrigation work or to any land for which supply from an irrigation work is available, has arisen or may arise from the obstruction of any river, stream or natural drainage channel, the State Government may, by notification, prohibit within limits to be defined in such notification, or may, within such limits, order the removal or other modification of such obstruction; and thereupon so much of the said river, stream or natural drainage channel as is comprised within such limits, shall be deemed to be a drainage work as defined in section 2.

12. Irrigation Officer may issue order to person causing obstruction.—The Irrigation Officer may, after the publication of the notification under section 11, issue an order to any person causing or having control over any such obstruction to remove or modify the same within such period as may be specified in such order.

13. Irrigation Officer may cause obstruction to be removed.—If, within the period specified under section 12, such person does not comply with the order, the Irrigation Officer may cause the obstruction to be removed or modified and such person shall be liable to pay the expense of such removal or modification; and if the person to whom the order was issued does not, when called upon, pay the expenses of

such removal or modification, such expenses shall be recoverable as an arrear of land revenue.

14. Construction of drainage works.—Whenever it appears to the State Government that any drainage work is necessary for the public health or for the improvement of the proper cultivation or irrigation of any land, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any land, the State Government may in its discretion cause a scheme for such work to be drawn up and carried into execution, and the person authorised by the State Government to draw up and execute such scheme may exercise in connection therewith, the powers conferred on Irrigation Officers by sections 6, 7 and 8 and shall be liable to the obligations, imposed upon Irrigation Officers by sections 9 and 35.

CHAPTER III.

FIELD-CHANNELS.

15. Determination of the need for field-channels and their alignment in any area.—(1) The Irrigation Officer on being satisfied that the construction of field-channels in any area is necessary in public interest for supply of water from an irrigation work to lands requiring such supply for purposes of cultivation, shall declare by notification that such field-channels may be constructed after a date to be specified in the notification, not being earlier than thirty days from the date of publication thereof. A copy of such notification shall be sent to the Tahsildar of the area for publication in the villages concerned.

(2) After the date specified in the notification under sub-section (1), the Irrigation Officer shall determine the suitable alignment for the field-channels and shall mark out the land, which in his opinion, it is necessary to occupy for the construction thereof. He shall forthwith publish a notification by affixture on the notice board in his office that so much of such land as is situated within such village or villages has been so marked out; and shall send a copy of such notification to the Tahsildar for publication in every village

through which the field-channel is taken and on such lands. He shall also send a copy of such notification to the Deputy Commissioner of every District in which such land is situated.

16. Deputy Commissioner to acquire land.—(1) On receipt of a copy of a notification under section 15, the Deputy Commissioner shall on being satisfied that such land is required for a field-channel proceed to acquire and take possession of such land under the provisions of the Land Acquisition Act, 1894, as if a declaration had been issued by the State Government for the acquisition thereof under section 6 of that Act and as if the State Government had thereupon directed the Deputy Commissioner to take order for the acquisition of such land under section 7 of the said Act and as if the State Government had issued orders for immedia te possession being taken under section 17 of the said Act.

(2) *Notwithstanding anything contained in the Land Acquisition Act,* 1894, *the acquisition of any land for the purpose of constructing a field-channel under section* 15 *shall be deemed to be for a public purpose and compensation to be awarded shall be—*

(a) *in the case of land which is assessed as wet, one hundred times, and*

(b) *in the case of land which is assessed as dry, two hundred times,*

the land revenue payable in respect of the land acquired.

Explana tion—(1) For purposes of this sub-section, in the case of land which is assessed as wet, 'land revenue' shall include water rate, where su ch rate is payable annually in addition to the land revenue.

Explanation.—(2) In the case of an inam village to which survey and settlement has not been introduced under the Mysore Land Revenue Act, 1964, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village shall be deemed to be the land revenue of the land for purposes of this sub-section.

17. Such acquired land to remain as property of Government.— On possession of the land being taken, the Irrigation Officer shall fix the boundary marks in the prescribed manner, and thereupon ownership of such land shall vest in the State Government.

18. Procedure for construction of field-channel.—Any person whose lands would be benefited by the construction of a field-channel on the land vesting in Government under section 17, may either—

(*a*) construct a field-channel with the permission of the Irrigation Officer and subject to such conditions as may be imposed by him, or

(*b*) apply in writing to the Irrigation Officer, stating that he desires the said Irrigation Officer to do all things necessary for constructing such field-channel on his behalf and at h s cost, and that he is ready to defray all the expenses necessary or such construction.

19. Construction of field-channel on deposit of e imated cost.—(1) *On receipt of an application under clause* (*b*) *of section* 18, *the Irrigation Officer may call upon the applicant to deposit the whole any part of the expense such officer may consider necessary ; and upon such deposit being made, shall construct the field-channel, and on its completion, shall give to the applicant notice thereof and of any sum payable by him on account of the cost of constructing the ld-channel. On such notice being given, such sum shall be due rom the applicant to the State Government. On receipt of payment in full of all expenses incurred, the applicant shall have the right to e the field-channel for supply of water to his lands.*

(2 In default of payment by the applicant of the sum or any portion of the sum due within the period specified in the notice, the amount due shall be recoverable as an arrear of land revenue.

(3) Where a deposit made under sub-section (1) is in excess of the cost incurred by the Irrigation Officer in constructing the field channel, the excess amount deposited shall be refunded to the person who made the deposit.

20. Obligations of persons having right to use the field-channels.— 1) Every person having a right to use the field-channel shall be bound—

(*a*) to maintain such field-channel in a fit state of repair for the conveyance of water;

(*b*) to allow the use of it to others or to admit other persons as joint users thereof, on such terms as may be prescribed under the provisions of section 22.

(2) Every user of a field-channel and every person duly authorised under the provisions hereinafter contained to use a field-channel shall, subject to the provisions of Chapter IV, be entitled to have a supply of water by such field-channel on such terms as may be prescribed.

21. Arrangement with user by other person.—Any person desiring to have a supply of water through a field-channel of which he has not acquired the right to use, may apply to the Irrigation Officer for permission to use such field-channel or to be declared a joint user thereof.

22. Irrigation Officer after inquiry may authorise or declare applicant to be joint user.—On receipt of an application under section 21, the Irrigation Officer shall serve a notice on the person having the right to use the field-channel to show cause why such permission should not be granted, or such declaration should not be made, and if no objection is raised, or if any objection raised be found insufficient or invalid, and if the Irrigation Officer is satisfied that there is sufficient water for supply shall either permit the applicant to use the field-channel or declare him to be a joint user thereof on such conditions as to the payment to the person referred to in section 18 of such amount as may appear to the Irrigation Officer to be equitable.

23. Use of land acquired for field-channel for other purposes. (1) No land acquired under this Act for a field-channel and no land occupied by a field-channel constructed under section 19 shall be used for any other purpose without the previous consent of the Irrigation Officer.

(2) No field-channel, whether constructed under section 19 or otherwise, shall be extended, improved, or altered without the previous consent of the Irrigation Officer. The provisions of sections 15 to 19 shall apply *mutatis mutandis* in respect of such extension, improvement or alteration.

24. If user fails to execute work or to repair field-channel Irrigation Officer may execute the same.—(1) If any user of a field-channel fails to fulfil any obligation imposed upon him by clause (*a*) of sub-section (1) of section 20, the Irrigation Officer may require him by notice to execute the necessary repair within a period, to be specified in such notice, of not less than seven days, and, in the event of failure may execute the same, and except as hereinafter provided in this section, all expenses incurred in the execution of such repair shall be a sum due by such user to the State Government recoverable as an arrear of land revenue.

(2) Every person other than the person having the right to use the field-channel who uses such field-channel in respect of which any repair has been executed by the Irrigation Officer under this section shall, in the absence of any conditions to the contrary imposed under section 22, at the time such person was authorised to use such field-channel, be liable to pay to the State Government such proportion of the expenses incurred in the execution of such repairs as shall be determined by the Irrigation Officer.

25. Settlement of disputes as to mutual rights and liabilities of persons.—(1) Whenever a dispute arises between two or more persons in regard to their mutual rights and liabilities in respect of the use, construction or maintenance of a field-channel, or as to their respective shares of the expenses of constructing or making such field-channel or as to the amount contributed by them towards such expenses, or as to failure on the part of any person having a right to the use of the field-channel to contribute his share, the Irrigation Officer, either on the application of any person interested in such dispute or otherwise, shall, after making such inquiry as may be prescribed, decide the matter in dispute.

(2) Any person aggrieved by the decision of the Irrigation Officer may within thirty days of the date of the decision, appeal to the Deputy Commissioner whose order in the matter shall be final and conclusive until set aside by a decree of a civil court.

26. Consequence of failure to construct or apply for construction of a field-channel.—(1) If after any land has been acquired under section 16 and has become vested in the State Government under section 17, the persons interested fail to construct or to apply for construction

of a field-channel under section 18 within the prescribed period, the Irrigation Officer shall declare by notification that such construction will be made by the State Government after a date to be specified in the notification:

Provided that before making such declaration, the Irrigation Officer shall publish a notice in the prescribed manner for the information of all persons concerned with the lands vesting in the State Government under section 17, that if they do not take action under section 18 within the prescribed period, a declaration would be made under this section.

(2) *After the date specified in such notification, the Irrigation Officer shall construct the field channels necessary in the area.*

(3) Where any field channel is constructed under this section, the holders and occupiers of the lands benefited by such field channels shall be liable to pay to the State Government, the cost incurred for such construction. Such amount shall be recoverable as an arrear of land revenue.

Explanation.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided that such non-enjoyment is due solely to the action or inaction on the part of the person or persons interested in such land.

CHAPTER IV.

Regulation of Irrigation.

27. Regulation of water supply from irrigation works.—An Irrigation Officer duly empowered by the State Government by a notification in respect of any irrigation work or class of irrigation works may, after such inquiry as he deems fit, and after consultation with a committee appointed by the State Government consisting of such number of official and non-official members as may be prescribed, regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,—

(*i*) the time for letting out water for irrigation;

(*ii*) the period of supply;

(*iii*) the quantity of supply ; and

(*iv*) the areas to be supplied at different times.

Explanation.—A land shall be deemed to have been supplied with water, if water is made available for irrigation of such land.

28. Application for permission to use water from an irrigation work.—(1) Any person desiring to have a supply of water from an irrigation work for irrigating a land not assessed as a wet land or not included in any area to which supply of water is regulated under section 27, shall make a written application to that effect to the Irrigation Officer. Subject to any general or special order made by the State Government determining the extent of lands for which water can be made available from such Irrigation work, such officer may if in his opinion such supply can be made without detriment to the supply of water to lands assessed as wet lands or included in any area to which supply of water is regulated under section 27, order the supply of water and for such period not exceeding six years subject to such conditions as may be specified in such order.

(2) If after a period of six successive years supply of water is made to any land referred to in sub-section (1), the holder of such land applies for the supply of water being made permanent, such application, with the opinion of the Irrigation Officer, shall be forwarded to the Deputy Commissioner of the District. The Deputy Commissioner of the District shall then take steps in accordance with law to convert the land into wet or garden, or to include the land in the area to which supply of water is regulated by section 27.

(3) The water rate leviable for the use of water for temporary cultivation under sub-sections (1) and (2) shall be twice the water rate when such rate is levied separately on the land or in other cases twice the difference between dry assessment of the land and the wet assessment of the neighbouring wet lands.

(4) With the sanction of, and subject to such conditions, payments, and restrictions, as may be imposed by the State Government or such officer as may be authorised by the State Government in this behalf, the Irrigation Officer, may, without detriment to the supply of water to lands assessed as wet lands or

included in any area to which supply of water is regulated under section 27, give permission for water to be taken from an irrigation work, for purposes other than those of agriculture.

(5) If any person uses water from an irrigation work without obtaining the permission required under this section, he shall in addition to any penalty he incurs under this Act for such unauthorised use of water be liable to pay water rate at such rate as may be determined by the prescribed officer not being less than ten times and not exceeding thirty times the rate he would otherwise have been required to pay, had he applied for and obtained the permission.

29. Stoppage of water supply.—The supply of water to any field-channel or to any person who is entitled to such supply shall not be stopped, except,—

(*a*) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by the competent authority;

(*b*) whenever and so long as any field-channel by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water thereof;

(*c*) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of other persons entitled to water;

(*d*) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;

(*e*) within the periods fixed from time to time by the Irrigation Officer of which due notice shall be given;

(*f*) whenever there is diminution in the supply of water in the irrigation work due to any natural or seasonal causes and so long as it is necessary to do so.

30. Supply of water for irrigation of one or more crops.—When water from an irrigation work is supplied for the irrigation of one or more crops only, the right to use such water shall be deemed to continue only until such crop or crops shall come into maturity, and to apply only to such crop or crops.

31. Regulation of cultivation on wet lands.—(1) Subject to the provisions of section 33, and subject to such directions as may be issued from time to time, the Irrigation Officer may in any year, having regard to the quantity of water available in any irrigation work under his control determine, by order published in the prescribed manner and within the time prescribed, the areas or lands or portions of the wet lands in the irrigable area of such irrigation work, to be cultivated with paddy, sugarcane, or any perennial crop or intermittent irrigated dry crops or with dry or semi-dry crops and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land entitled to supply of water under the irrigation work is not supplied with water, the holder of such land shall be liable to pay only the dry assessment of such land.

(3) From the order of the Irrigation Officer under this section, an appeal shall lie within fifteen days from the date of publication of the said order, to the Deputy Commissioner of the District.

32. Power to prescribe the kind of crop to be grown under the irrigation area and the period of sowing such crop.—(1) Whenever the State Government is satisfied that for the better cultivation of lands and due preservation of the water-resources of an irrigation work, it is expedient and desirable in public interests to regulate the kind of crop that should be grown on lands under such irrigation work and the period of sowing such kinds of crop, it may by notification make a declaration to that effect.

(2) On the making of a declaration under sub-section (1), the Irrigation Officer, after consultation with the Committee appointed under section 27 and with the approval of the Deputy Commissioner, may specify by notification published in such manner as may be prescribed, the kinds of crop that shall be grown on any land under such irrigation work and the period of sowing and planting such crops.

(3) On the publication of a notification under sub-section (2), no person shall grow or allow any crop other than the crops specified in such notification to be grown on any land under such irrigation work and no person shall sow or plant or allow the sowing or planting of crop at any time other than during the period specified in such notification.

(4) In all cases in which the person who has sown or grown any unauthorised crop or allowed any land to be grown or sown with such unauthorised crop cannot be found, the holder of the land in addition to such other person concerned, shall be liable for contravening the provisions of this section :

Provided that if no water is utilised either directly or indirectly from the irrigation work for growing any crop, the provisions of sub-sections (3) and (4) shall not be applicable.

CHAPTER V.

AWARD OF COMPENSATION.

33. Compensation for damage caused consequent on the exercise of powers conferred by this Act.—Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained :

Provided that no compensation shall be so awarded in respect of any damage arising from,—

(*a*) deterioration of climate or soil ; or

(*b*) stoppage of navigation or of the means of floating timber or of watering cattle ; or

(*c*) stoppage or diminution of the supply of water in consequence of the exercise of the power conferred by section 5, if no use have been made of such supply within the five years next before the date of the issue of the notification under section 5 ; or

(*d*) failure or stoppage of any water in a channel or irrigation work where such failure or stoppage is due to,—

(i) any cause beyond the control of the authority in charge of the irrigation work ;

(ii) the execution of any repairs, alterations or additions to the channel or irrigation work ;

(iii) any measures considered necessary by the Irrigation Officer, for regulating the proper flow of water in the channel or for maintaining the established course of irrigation ; or

(iv) circumstances mentioned under clauses (*a*) to (*f*) of section 29 :

Provided further that any person who suffers loss from any stoppage or diminution of water supply to his lands due to any of the causes named in clause (*d*) of the preceding proviso shall be entitled to such remission of the water rate payable by him as may be authorised by the State Government.

34. Limitation of claims.—No claim for compensation under this Act for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, provided that the Deputy Commissioner on sufficient cause shown to his satisfaction by the claimant for not making the claim within such period, may condone the delay, and entertain the claim.

35. Compensation for damage caused by entry on land, etc.—(1) In every case of entry upon any land or building or the utilisation of materials under sections 5, 6, 7 and 8, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property and the value of the materials taken or utilised and, within one month from the date of such entry, compensation shall be tendered by the Irrigation Officer to the land-holder or owner of the property, as the case may be.

(2) If such tender is not accepted within a week of such tender, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of determining the amount of compensation.

36. Claims to be preferred to the Deputy Commissioner.—(1) All claims for compensation under this Act other than claims of the nature provided for in section 35 shall be made to the Deputy Commissioner in which such claim or part of it arises.

(2) The Deputy Commissioner shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded. In determining such amount, the Deputy Commissioner shall, except in cases of acquisition under section 16, be guided by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, as far as possible :

Provided that regard shall be had to the diminution in the market value, at the time of awarding compensation, of the property in respect of which compensation, is claimed; and where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act:

Provided further that no order determining the amount of compensation shall be made by the Deputy Commissioner under this section without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.

37. Appeal.—Any person aggrieved by the order of the Deputy Commissioner under section 35 or section 36 may, within ninety days from the date of communication of the order, prefer an appeal to the Mysore Revenue Appellate Tribunal.

38. Compensation when due and interest payable.—All sums of money payable for compensation awarded under this Chapter shall become due three months after the final award is made, and simple interest at the rate of four per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

39. Abatement of revenue demand on interruption of water supply.—If compensation is awarded under section 36 on account of a stoppage or diminution of supply of water to any land paying land revenue to the State Government and the amount of the land revenue payable on account of such land has been fixed with reference to the water advantages appertaining thereto, the holder of the said land shall be entitled to an abatement of the amount of land revenue payable to such extent as shall be determined by the Deputy Commissioner of the District.

CHAPTER VI

OF OBTAINING LABOUR IN EMERGENCIES.

40. Requisition of labour for urgent works or repairs, etc.—(1) Whenever it appears to an Irrigation Officer or in his absence to the ahsildar that—

(*a*) (i) unless some work or repair is immediately executed an irrigation work would sustain such serious damage as to cause sudden and extensive public injury, or

(ii) unless some clearance of an irrigation work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur, and

(*b*) persons necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to either himself call upon or to require the patel of the village or villages in the vicinity to call upon all or any of the able bodied persons who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same as such officer or other person authorised by him in this behalf may direct.

(2) In calling upon the able bodied persons to assist the execution of any work under sub-section (1), no discrimination shall be made on grounds of religion, race, caste or class or of any of them.

(3) Every person so requisitioned shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(4) An order made under sub-section (1), shall be immediately reported to the Deputy Commissioner and the Canal Officer.

41. Payment to persons requisitioned.—All persons complying with the requisition under section 40 shall, as soon as may be reasonably practicable, and in any case within fifteen days from the date of such compliance, be paid by the Canal Officer or the Tahsildar, as the case may be, for the work done by them at fifty per cent in excess of the rates payable for the time being prescribed by the

competent authority of the Public Works Department to persons attending to similar work:

Provided that for work done at night, payment shall be made at double such rates.

42. Appeals against order under section 41.—Any person who does not accept the amount tendered in payment under section 41 may appeal, within thirty days from the date of such tender, to the Deputy Commissioner whose decision shall be final.

CHAPTER VII

MAINTENANCE OF IRRIGATION WORKS.

43. Power to take over irrigation works for maintenance by Government.—If the State Government considers that in the interest of the proper irrigation of lands under any irrigation work maintained by any person or body of persons, the work of maintenance in a fit state of repair of such irrigation work should be undertaken by the State Government, and the cost of such maintenance or any part thereof recovered from the holders of lands benefited by such irrigation work, the State Government may, by notification, make a declaration to that effect, and thereafter the State Government shall take over and maintain in a fit state of repair such irrigation work:

Provided that no artificial reservoir owned by any land holder which is actually used for the purpose of irrigation by such land holder shall be notified under this section except,

(i) on the request of land holder; or

(ii) if in the opinion of the State Government such notification is necessary in the public interest:

Provided further that where a notification is issued in accordance with clause (ii) of the preceding proviso, the land holder concerned shall be paid such compensation for his rights as may be awarded by the Deputy Commissioner of the District after such enquiry as may be prescribed.

44. Levy of maintenance cess.—(1) The State Government shall levy a maintenance cess at rupees four per acre per annum on all lands in the area benefited by any irrigation work maintained by the State Government, the Tungabhadra Board or a Taluk Development Board or other authority :

Provided that where water is not made available for the use of any land benefited by an irrigation work for a period of not less than two consecutive years, the maintenance cess shall not be payable in respect of such land during the said period:

Provided further that where the maintenance cess has been paid for any year in respect of which such cess is not payable under the preceding proviso the amount so paid shall be refunded or adjusted towards the liability to pay the cess in respect of any later year in which water is made available for the use of such land.

(2) On and from the date of levy of the maintenance cess under sub-section (1), the irrigation cess, if any, levied as a separate charge on the lands liable to pay maintenance cess shall cease to be levied.

(3) The maintenance cess shall be a tax on the land in respect of which it is payable, and the provisions of the Mysore and Revenue Act, 1964 (Mysore Act 12 of 1964) and the rules thereunder * * * * * shall apply to the payment and recovery of the maintenance cess as they apply to the payment and recovery of the land revenue due upon the land in respect of which the maintenance cess is payable.

45. Payment to Tungabhadra Board, etc.—Where under any law for the time being in force the duty of maintenance of any irrigation work devolves on the Tungabhadra Board, a Taluk Development Board or other authority, an amount equal to the amount collected as maintenance cess on lands benefited by such irrigation work during every year shall be paid to the Tungabhadra Board, the Taluk Development Board or other authority concerned, in such manner as may be prescribed.

CHAPTER VIII.

SAFEGUARDS FOR IRRIGATION WORKS.

46. Limitation in respect of irrigation works.—Except as may be prescribed, no person other than the Irrigation Officer shall,—

(*a*) interfere with or divert the course of a natural stream; or

* * * * *

(*b*) construct any earthen or masonry bund or weir on any channel or stream, flowing above or below any field channel.

47. Interference with the functioning of cross drainage works.—No person, except with the written permission of the Irrigation Officer shall obstruct the proper functioning of the various cross drainage works such as culverts, aqueducts, super-passages, syphons, weirs and allied works constructed for the safety of the canals or channels.

48. Obligations of owners in respect of works affecting safety of canals.—(1) Every owner whose tank, well, pond, spring pond, talaparige or other reservoir is situated above any irrigation work, shall maintain the bunds and surplus-sing arrang ments of such tank, well, pond, spring pond, talaparige or reservoir in a safe and efficient condition.

(2) If, in the opinion of the Irrigation Officer, such bunds or surplussing arraugements of the works referred to in sub-section (1 are not in a fit condition and are likely to endanger the irrigation works below, then the owner concerned shall be served with a notice to bring such bunds or surplussing arrangements to a reasonably fit condition, in such manner and within such time as may be specified in the notice.

(3) If the said owner fails to comply within the time specified or does repairs which in the opinion of the Irrigation Officer are unsatisfactory, the Irrigation Officer may carry out the necessary repairs and the cost thereof shall be recovered from the said owner as an arrear of land revenue.

(4) From any order of the Irrigation Officer under this section an appeal shall lie within one month from the date of communication of the order, to the Deputy Commissioner, whose decision thereon shall be final.

49. Mining or quarrying near irrigation works.—No person shall conduct mining or quarrying operations requiring the use of explosives within a distance of one kilometre from the boundaries of an irrigation work, without the written permission of the Irrigation Officer.

50. Excavation of wells near irrigation works.—Save as provided in sub-section (2) of section 4, no new well shall be excavated within such distance as may be specified by the State Government from time to time, from the boundaries of an irrigation work, without the written permission of the Irrigation Officer.

51. Operation of sluice gates, etc.—No person other than the Irrigation Officer or other person duly empowered by the Irrigation Officer in this behalf, shall have the right to operate a sluice gate, regulator or flood gate of a reservoir, canal or channel.

52. Fishing and plying of boats, etc.—No person shall have the right to fish or ply any vessel, in a reservoir or tank or across or along a canal or channel maintained or controlled by the Government without the permission in writing of the State Government or of such officer, as may be empowered in this behalf by the State Government, and except under such terms and conditions and subject to payment of such fees as may be prescribed :

Provided that no permission for fishing in any tank with an an achkat of not more than five hundred acres shall be granted by any officer empowered under this section except with the concurrence of the Irrigation Officer.

53. Letting out of water from canal prohibited.—No person other than the Irrigation Officer or any officer duly empowered in this behalf shall let out water from a canal or channel by cutting the bund, constructing a sluice or outlet or any other similar contrivance.

54. Depositing produce of Mines in or near channels prohibited.—No person shall deposit any produce of mines in or near any channel or other work, whether natural or artificial, through which rain or other water flows into any irrigation work.

CHAPTER IX.

PENALTIES AND PROCEDURE.

55. Offences under the Act.—Whoever voluntarily and without proper authority —

(i) dam[illegible]e alter[illegible]ges or o[illegible]tr[illegible]y[illegible]r[illegible]t[illegible] ;

(*ii*) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over, or under any irrigation work or by any means raises or lowers the level of the water in any irrigation work;

(*iii*) opens, shuts or obstructs or attempts to open, shut or obstruct, any sluice or outlet or any other similar contrivance in any irrigation work;

(*iv*) corrupts or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(*v*) destroys, defaces or moves any land-mark or level-mark or water-gauge fixed by the authority of a public servant;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks, canals or channels of an irrigation work contrary to rules made under section 71 after he has been required to desist therefrom;

(*viii*) causes or permits any animal to graze or be tethered upon the bank * * * of any irrigation work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation work;

(*x*) puts up a dam across or otherwise obstructs the free course of water the right to which vests in the Government;

(*xi*) being responsible for the maintenance of the field channel or using the field channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner;

(*xii*) prevents or interferes with the lawful use of a field channel by any person authorised to use the same, or declared to be a joint user thereof under sections 20 and 22;

(*xiii*) contravenes any provision of this Act;

(*xiv*) contravenes any rule made under section 71, the contravention whereof is declared in the rules made under that section to be an offence punishable under this section ;

shall, on conviction, be punished for offences under clauses (vi). (x), (xi) and (xii) with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, and for offences under any other clause with imprisonment for a term which may extend to two months, or with fine which may extend to five hundred rupees or with both :

Provided that for a second or subsequent offence under clauses (vii) and (viii) such fine shall not be less than fifty rupee and under the other clauses such fine shall not be less than two hundred and fifty rupees :

Provided further that in the case of a continuing offence a daily fine not exceeding fifty rupees during the period of the continuance of the offence shall also be imposed.

56. Persons convicted under section 55 liable to repair the damage, etc.— When any person is convicted of an offence under section 55, the Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water-gauge or apparatus in respect of which the conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, the Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as an arrear of land revenue.

57. Abetment.—Whoever abets any offence punishable under this Act, or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

58. Punishment for vexatious exercise of power.—(1) If any officer or other person duly empowered to take action under this Act, exercises without reasonable cause for the purpose of vexation or with malicious intention any power under this Act, he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) No prosecution under sub-section (1) shall be entertained except on a complaint by an officer authorised by the State Government in that behalf.

59. **Punishment under other laws not barred.**—Nothing contained in this Act shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission made punishable by this Act.

* * * *
* * * *

60. **Offences under this Act to be cognizable.** - All offences under this Act except offences under clauses (vii) and (viii) of section 55, shall be cognizable.

61. **Power to remove obstruction or damage to work.**—Any person in charge of or employed upon any irrigation work, may remove from the land or buildings belonging thereto, or may take into custody without a warrant, and without unnecessary delay make over to a police officer or in the absence of a Police officer take or cause to be taken in custody to the nearest police station any person who within his view—

(*a*) wilfully damages, alters, enlarges or obstructs any irrigation work;

(*b*) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage or render less useful such irrigation work.

62. **Payment of fine as reward to informant.**—Whenever any person is fined for an offence under this Act, the court which imposes such fine, or which confirms in appeal or revision a sentence of such fine, or a sentence of which such fine forms a part, may direct that the whole or any part of such fine may be paid by way of reward to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine is ordered to be paid as a reward by a court whose decision is subject to appeal or revision, the amount ordered to be so paid, shall not be paid until the period prescribed for presentation of the appeal has elapsed, or if an appeal is preferred till after the decision of the appeal.

CHAPTER X.

MISCELLANEOUS.

63. Recovery of cost of repairing damage when the offender is unascertainable.—When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, on a requisition from the Irrigation Officer, after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, in such proportion as he thinks fit, the cost of repairing such damage, or of removing such alteration, or obstruction.

64. Liability when person using water unauthorisedly cannot be found.—(1) If water supplied through a field channel is used in any unauthorised manner, and if the person by whose act or neglect such use has occurred cannot be found after such enquiry as the Irrigation Officer may deem sufficient, the Irrigation Officer after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby and after hearing their representaions, if any, make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as he may find just.

(2) All charges for the unauthorised use of water determined under sub-section (1) shall be recoverable as an arrear of land revenue.

65. Appeals against orders under the Act.—Any person aggrieved by an order of an Irrigation Officer under section 12 or 24 may within thirty days from the date of communication of the order, prefer an appeal to the Deputy Commissioner of the District.

66. Power of revision.—The Divisional Commissioner may call for and examine the records of the proceedings under this Act of a Deputy Commissioner or an Irrigation Officer or any officer subordinate to the Deputy Commissioner or the Irrigation Officer for the purpose of satisfying himself as to the correctness, legality or propriety

of any decision or order passed and the regularity of the proceedings of such officer.

When on examination of the records of any case, the Divisional Commissioner considers that any order or decision of such officer should be revised, such order or decision may be revised or altered and the Divisional Commissioner may pass such other orders as he may deem just.

67. Power to summon and examine witnesses.—Any officer empowered under this Act to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on a Civil Court, by the Code of Civil Procedure, 1908, and every such enquiry shall be deemed to be a judicial proceeding for purposes of sections 193 and 221 of the Indian Penal Code.

68. Service of notices.—Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, * * *

(3) No suit shall be instituted against the State Government in respect of any act done unless the suit is instituted within six months from the date of the act complained of.

(4) In the case of an intended suit against any officer or servant of the State Government under sub-section (1), the person intending to sue shall be bound to give the officer or servant, as the case may be, one month's notice at least of the intended suit with sufficient description of the cause of action, failing which such suit shall be dismissed.

(5) Save as otherwise expressly provided in this Act, no civil court shall entertain any suit instituted in respect of any matter to which this Act applies.

70. Offences by companies, etc.—(1) If the person committing an offence under this Act is a company the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, * * * * manager, secretary, or other officer of the company, such director, * * * * * manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals, and

(*b*) "director" in relation to a firm means a partner in the firm.

71. Power to make rules.—(1) The State Government may, after previous publication, by notification, make rules for the purpose of carrying out the provisions of this Act, and such rules may be general for all irrigation works or may be special for one or more irrigation works, as may be specified in such rules.

(2) Without prejudice to the generality of the foregoing power, such rules may be made in respect of the following matters :—

(*a*) the proceedings of any officer who under any provision of this Act, is required or empowered to take action in any matter ;

(*b*) the amount of and charges to be made under this Act ;

(*c*) the economic use of water supplied from any irrigation work ;

(*d*) the manner in which and the officer by whom complaints, as to the inadequacy of means of crossing shall be investigated under section 10 ;

(*e*) regulating the period of opening and closing of channels distributaries and sub-distributaries of irrigation works.

(3) All rules made under this Act shall subject to any modification made under sub-section (4), have effect as if enacted in this Act.

(4) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

72. Repeal and savings.—(1) The Mysore Irrigation Act, 1932 (Mysore Act I of 1932), the Hyderabad Irrigation Act, 1357F (Hyderabad Act 24 of 1357F), the Bombay Irrigation Act, 1879 (Bombay Act 7 of 1879), the Madras Irrigation Tanks (Improvement) Act, 1949 (Madras Act XIX of 1949), and the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 (Madras Act XVIII of 1943), are hereby repealed :

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the said repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

(2) The Mysore Tank Panchayat Act, 1911 (Mysore Act 1 of 1911), is hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the repeal of the said enactment:

Provided further that the properties, rights and liabilities of a Tank Panchayat constituted under the repealed enactment shall vest in the Village Panchayat constituted under the Mysore Village Panchayats and Local Boards Act, 1959, and having jurisdiction over the area, and the moneys at the credit of the tank fund under the control of such Tank Panchayat shall stand transferred to the Panchayat Fund of the said Village Panchayat.

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[PART IV-2-A

BANGALORE, WEDNESDAY, JANUARY 20, 1965
(PUSHYA 30, SAKA ERA 1886). | No. 14

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12239/L.A., Bangalore-1, dated 20th January 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **the Mysore Corneal Grafting Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE CORNEAL GRAFTING BILL, 1965.

A Bill to provide for the use of the eyes of deceased persons for surgical purposes.

WHEREAS it is expedient to provide for the use of the eyes of deceased persons for surgical purposes;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Corneal Grafting Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Authority for removal of eyes of deceased persons.—(1) If any person, either in writing at any time or orally in the presence of not less than two witnesses at any time has expressed a request that his eyes be used for surgical purposes after his death, the party lawfully in possession of his body after his death, may, unless it is proved that the request was subsequently withdrawn, either in writing or in the presence of two witnesses, authorise the removal of the eyes from the body for the said purposes.

(2) Without prejudice to the provisions of sub-section (1), the party lawfully in possession of the body of a deceased person may authorise the removal of the eyes unless that party has reason to believe—

(*a*) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn it; or

(*b*) that the surviving relative of the deceased objects to the deceased's eyes being so dealt with.

Explanation.—For purposes of this clause "relative" means any of the following relatives of the deceased, namely, husband, wife, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid. The expressions "lineal consanguinity" and 'collateral consanguinity" shall have the meaning assigned to them in the Indian Succession Act, 1925 (Central Act 39 of 1925) and degrees of relationship shall be computed in the manner laid down in that Act.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eye from the body and its use for the purposes aforesaid.

3. Removal of eyes.—(1) No person other than a legally qualified medical practitioner (whether in Government service or not) possessing a post-graduate qualification in Ophthalmology or has been trained in enucleation procedure in an Ophthalmic Department of an institution approved or notified by the State Government, shall remove the eye from the body of a deceased person.

(2) The medical practitioner authorised to remove the eye from the body of a deceased person under sub-section (1) shall before such removal satisfy himself by a personal examination of the body that life is extinct.

(3) After the removal of the eye from the body, the medical practitioner concerned shall keep it in a thermos flask filled with ice and hand over the same to the nearest eye bank of an institution approved by the State Government.

4. Removal of eyes not to be authorised in certain cases.—No authority for the removal of eyes shall be given under section 2,—

(a) if the person competent to give such authority has reason to believe that an inquest may be required to be held on the body ; or

(b) in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its internment or cremation.

5. Authority of removal of eyes in the case of unclaimed bodies in certain institutions.—(1) In the case of a body lying in a hospital, prison, nursing home or other institution and not claimed by any of the near relatives of the deceased, an authority for removal of the eyes may be given in the form prescribed by rules made under this Act, by the person having the control or management of the hospital, prison, nursing home or institution.

(2) No authority under sub-section (1) shall be given—

(i) within half-an-hour from the time of death in case no facility for the cold storage of the dead body is available in the hospital, prison, nursing home or other institution ; or

(ii) within four hours from the time of death in case facility for the cold storage of the dead body is available in the hospital, prison, nursing home or other institution.

(3) No authority shall be given under sub-section (1) if the person empowered to give such authority has reason to believe that the deceased has near relatives although no near relative has claimed the body of the deceased within the time specified in this behalf.

6. Savings.—(1) Nothing in this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person which

would have been lawful if this Act had not been passed.

(2) Any authority for the removal of eyes given in accordance with the provisions of this Act shall not be deemed to be contravention of the provisions of section 297 of the Indian Penal Code (45 of 1860).

7. Rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Statement of Objects and Reasons.

The removal of human cornea from dead bodies for the purpose of grafting on diseased cornea in live patients is in practice on a fairly large scale in western countries, and corneal banks are maintained in eye hospitals, providing such operational facilities. It is proposed to provide for similar facilities in the State. Hence this Bill.

Financial Memorandum.

For the removal of human cornea from the dead bodies for the purpose of grafting on diseased cornea in live patients it is necessary to establish an Eye Bank, at present in the Minto Ophthalmic Hospital, Bangalore. Certain incidental expenditure to provide refrigeration facilities in the shape of initial equipment and some additional staff as detailed below are quite necessary since the existing staff of Minto Hospital cannot cope with this work as also in addition to their own.

Non-Recurring Expenditure.

Cost of the Refrigerator	...	Rs. 4,000
Cost of Furniture	...	Rs. 2,000
Instruments and appliances exclusively for use in this section	...	Rs. 20,000
Total		Rs. 26,000

Annual Recurring Expenditure.

		Rs.
One Assistant Surgeon Grade I Rs. 300-25-550-30-700	...	6,266 2/3
One Nurse on Rs. 140-5-150-6-180-10-220.		4,512
Ration and Uniform allowance at Rs. 24 per mensem	... ...	576
One Class IV Servant on Rs. 50-1-60	...	636 2/3
House Rent Allowance	...	288
Total	...	12,279 1/3
Animal experiments	...	5,000
Grand Total		17,279 1/3 p.a.

Memorandum Regarding Delegated Legislation

Sub—clause (1) of clause 5 of the Bill empowers the State Government to make rules prescribing the form in which an authority for the removal of the eyes may be given by the person having the control or management of a hospital, prison, nursing home or institution.

Clause 7 of the Bill empowers the State Government to make rules to carry out the purposes of the Act.

The rules will be laid before both Houses of the State Legislature and are subject to such modification as the Legislature may make.

The delegation of legislative power is necessary for the implementation of the Act and is of a normal character.

K. NAGAPPA ALVA.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, MONDAY, FEBRUARY 1, 1965
(MAGHA 12, SAKA ERA 1886).

No. 27

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12514—L. A., Bangalore-1, dated 1st February 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation (No. 2) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION (No. 2) BILL, 1965.

A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1960-61 in excess of the amounts granted for those services and for that year.

WHEREAS it is expedient to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1960-61, in excess of the amounts granted for those services and for that year;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation (No. 2) Act, 1965.

2. Issue of Rupees 11,94,79,268, out of the Consolidated Fund of the State to meet certain excess expenditure for the financial year 1960-61.—From and out of the Consolidated Fund of the State, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of eleven crores, ninety-four lakhs, seventy-nine thousand, two hundred and sixty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year 1960-61 in excess of the amounts granted for those services and for that year.

3. Appropriation.—The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year 1960-61.

SCHEDULE.

(*See* sections 2 and 3)

1	2		3		
No. of Demand			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A.	**EXPENDITURE MET FROM REVENUE.**	Rs.	Rs.	Rs.
1	18.	Other Revenue Expenditure Financed from Ordinary Revenues	2,85,025	...	2,85,025
2	12.	Taxes on Vehicles	...	40,711	40,711
3	29.	Police	47,800	...	47,800
4	50.	Civil Works	6,29,29,794	1,18,620	6,30,48,414
5	54.	B. Privy Purses and Allowances of Indian Rulers	...	1,32,948	1,32,948
6	56.	Stationery and Printing	11,910	...	11,910
		B. WORKING EXPENSES	6,32,24,529	2,92,279	6,35,16,808
7	VII.	Irrigation Navigation Embankment and Drainage Works (Commercial)	9,27,654	...	9,27,654
8	XLVI	A. Receipts from Road and Water Transport Schemes—	23,533	...	23,533
		Total B	9,51,187	...	9,51,187
		C. CAPITAL EXPENDITURE NOT MET FROM REVENUE.			
9	68.	Construction of Irrigation, Navigation, Embankment and Drainage Works—(Commercial.)	19,32 524		19,32,524
10	70.	Capital Outlay on Improvement of Public Health	1,92,732		1,92,732
11	81.	Capital Account of Civil Works outside the Revenue Account	1,05,82,072	...	1,05,82,072
12	81. A	Capital Account of Electricity Schemes out-side the Revenue Account	4,01,40,593	...	4,01,40,593
13	82. B	Capital Outlay on Road Transport Schemes outside the Revenue Account ...	21,63,352	...	21,63,352
		Total C. ...	5,50,11,273	...	5,50,11,273
		Grand Total ...	11,91,86,989	2,92,279	11,94,79,268

Statement of Objects and Reasons.

This Bill is introduced in pursuance of the provision of Article 204 (1) read with Article 205 of the Constitution of India to provide for the authorisation of appropriation of moneys out of the onsolidated Fund of the State to meet the amount spent on certain services during the financial year 1960-61 in excess of the amounts granted for those services and for that year.

B. D. JATTI

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, MONDAY, FEBRUARY 1, 1965
(MAGHA 12, SAKA ERA 1886).

No. 28

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 12515—L.A., Bangalore-1, dated 1st February 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION BILL, 1965.

Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation Act, 1965.

2. Issue of rupees 19,65,21,968 out of the Consolidated Fund of the State for the financial year 1964-65.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nineteen crores, sixty-five lakhs, twenty-one thousand, nine hundred and sixty-eight rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said Year.

THE SCHEDULE.

(*See* sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.		Rs.	Rs.	Rs.
2	9	Land Revenue ...	14,41,640	...	14,41,64
4	11	Taxes on Vehicles ...	12,900	...	12,90
10	19	General Administration ...	3,66,100	...	3,66,10
11	21	Administration of Justice ...	3,60,000	...	3,60,00
13	23	Police ...	27,707	...	27,70
14	25	Supplies and Disposals ...	50,00,000	...	50,00,00
15	26	Miscellaneous Departments ...	7,22,000	...	7,22,00
20	31	Agriculture ...	2,85,985	...	2,85,98
22	33	Animal Husbandry ...	21,20,200	...	21,20,20
23	34	Co-operation ...	...	14,876	14,87
24	35	Industries ...	100	...	10
25	37	C.D.P., N.E.S. and L.D. Works ...	1,23,800	...	1,23,80
30	71	Miscellaneous ...	35,48,797	...	35,48,79
		Total 'A' ...	1,40,17,229	14,876	1,40,32,1
	C.	CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial Development ...	7,33,25,000		
45	99	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	30,14,000	12,814	30,26,814
46	100	Do (Non-Commercial)...	79,87,000		79,87,000
47	101	Capital Outlay on Electricity Schemes ...	...	18,12,000	18,12,000
48	103	Capital Outlay on Public Works ...	7,60,000	...	7,60,000
68	124	Capital Outlay on Schemes of Government Trading ...	1,00,00,000		1,00,00,
68A	125	Appropriation to the Contingency Fund ...	1,00,00,000	...	1,00,00,
		Total 'C' ...	10,10,86,000	18,24,814	10,69,10,814

THE SCHEDULE—*contd.*

2	3		
	Sums not exceeding		
	Voted by the Legislative Assembly	Charged on the Consolidated Fund	
E. DISBURSEMENT OF ADVANCES AND LOANS.			
Q. Loans and Advances by State and Union Territory Governments ...	7,55,79,049	...	7,55,79,049
Grand Total ...	19,46,82,278	18,89,690	19,65,21,968

Statement of Objects and Reasons.

This Bill is introduced in pursuance of the provisions of Article 204 (1) read with Article 205 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of moneys required towards defraying the several further charges which will come in course of payment during the financial year ending on 31st March 1965.

B. D. JATTI.

G. S. VENKATARAMANA IYER,
Secretary.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, SATURDAY, JANUARY 30, 1965
(MAGHA 10, SAKA ERA 1886). | No. 26

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 12476—L.A., dated Bangalore-1, 30th January 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Village Panchayats and Local Boards (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Village Panchayats and Local Boards Act, 1959.

WHEREAS it is expedient further to amend the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Village Panchayats and Local Boards (Amendment) Act, 1965.

2. Amendment of section 24.—In the proviso to section 24 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959) (hereinafter referred to as the principal Act), for the words "five years", the words "six years" shall be substituted.

3. Amendment of section 108.—In the proviso to section 108 of the principal Act, for the words, "five years", the words "six years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under the Mysore Village Panchayats and Local Boards Act, 1959, the term of the Panchayats and Taluk Boards constituted thereunder is four years extensible by Government from time to time for a period not exceeding five years in the aggregate. The four year term expired on different dates commencing from March 1964. Government extended the term of the Panchayats and Taluk Boards under the power vested in them so that the elections may be held and the new bodies constituted under the new legislation for Panchayat Raj. As the term of the Panchayats and Taluk Boards is due to expire on different dates commecing from the month of March 1965 and the Mysore Panchayat Raj Bill cannot be passed and implemented for reconstitution of these bodies before their extended term expires, it is proposed to further extend the term of these bodies for such short periods as are necessary in each case not exceeding a year so that they could be reconstituted under the new legislation. Hence this Bill.

RAMAKRISHNA HEGDE

G. S. VENKATARAMANA IYER,
Secretary.

by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

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PART IV—2-A

BANGALORE, FRIDAY, JANUARY 29, 1965
(MAGHA 9, SAKA ERA 1886).

No. 24

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 12475—L.A., Bangalore-1, dated 27th January 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **the Karnatak and Mysore Universities (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE KARNATAK AND MYSORE UNIVERSITIES (AMENDMENT) BILL, 1965.

A Bill further to amend the Karnatak University Act, 1949, and the Mysore University Act, 1956.

WHEREAS it is expedient further to amend the Karnatak University Act, 1949 (Bombay Act 20 of 1949) and the Mysore University Act, 1956 (Mysore Act 23 of 1956);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Karnatak and Mysore Universities (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may by notification in the official Gazette appoint.

2. **Amendment of Bombay Act 20 of 1949.**—In the Karnatak University Act, 1949 (Bombay Act 20 of 1949),—

(1) after section 5A, the following section shall be inserted, namely :—

"**5B. Application of section 5 to educational institutions in Bellary District.**—The provisions of section 5 shall apply to the educational institutions in Bellary District subject to the following modifications, namely :—

(*a*) references to the date of commencement of the section in sub-sections (2) and (3) shall be construed as references to the date of commencement of the Karnatak and Mysore Universities (Amendment) Act, 1965 ;

(*b*) in sub-section (3),

(i) references to the University of Bombay shall, with reference to educational institutions in Bellary district, be construed as references to the University of Mysore ;

(ii) after the words "all such privileges", the words "including courses of instruction and examinations" shall be inserted; and

(iii) the following proviso shall be inserted at the end, namely :—

" Provided that the State Government may, by order, specify the date or dates from which the said educational institutions shall cease to have such privileges.' "

(2) in sub-section (1) of section 15,—

(*a*) under the heading "*Class I-Ex-officio members*",

(i) in paragraph (B),—

(A) for clause (iii), the following clause shall be substituted, namely :—

"(iii) The Director of Collegiate Education",

(B) in clause (iv), for the word "Six", the word "Five" shall be substituted and item (c) shall be omitted; and

(C) for clause (v), the following clause shall be substituted, namely :—

"(v) Vice-Chancellors of other Universities established by law in the State of Mysore."

(ii) in paragraph (C),—

(A) for clause (ii), the following clause shall be substituted, namely :—

"(ii) Principals of University Colleges and affiliated colleges:"

(B) after clause (ii), the following clause shall be inserted, namely :—

"(iii) The Mayor of the Hubbli-Dharwar Municipal Corporation".

(*b*) under the heading, "*Class II—Ordinary Members*",—

(i) in paragraph (A),—

(A) clause (i) shall be omitted;

(B) in clause (ii), for the words "two members", the words "three members", shall be substituted;

(C) in clause (iv),—

(a) sub-clauses (a), (b), (e), (f) and (g) shall be omitted;

(b) for sub-clause (i), the following sub-clause shall be substituted, namely :—

"(i) eighteen members who shall not be Head Masters of High Schools by registered graduates in the manner specified below,—

(1) three by registered law graduates from among themselves;

(2) three by registered medical graduates from among themselves;

(3) three by registered engineering graduates from among themselves;

(4) one by registered commerce graduates from among themselves;

(5) eight by registered graduates other than those specified in items (1), (2), (3) and (4) above, from among themselves;

(D) in proviso (i).—

(*a*) for the words, brackets and figures "clauses (i) to (iii)", the words, brackets and figures "clauses (ii) and (iii)" shall be substituted;

(*b*) for the words, brackets and letters, "sub-clauses (c) to (h)", the words, brackets and letters "sub-clauses (c), (d), and (h)" shall be substituted; and

(*c*) the words "secondary teacher or" and the words "or a teacher" shall be omitted;

(ii) in paragraph (B), the words " on the recommendation of the Vice-Chancellor " shall be omitted;

(iii) in paragraph (C), for the words" fifty thousand rupees", the words " one lakh of rupees " shall be substituted ;

(iv) after paragraph (C), the following paragraph shall be inserted, namely :-

"(C-1) Donors to, or for the purposes of, the University, of money or property of the value of not less than fifty thousand rupees.

Such donors shall, if willing to serve, be members for a period of four terms of the Senate from the date of donation subject to the provisions of section 57." ;

(v) in paragraph (D), for the words "fifty thousand rupees", the words "one lakh of rupees" shall be substituted ; and in the Explanation, for the words, brackets and letters "paragraphs (C) and (D)",the words, brackets, letters and figure "paragraphs (C), (C–1) and (D)" shall be substituted ; and

(vi) paragraphs (E) and (F) shall be omitted ;

(3) for clause (ii) of sub-section (1) of section 18, the following clause shall be substituted, namely :—

"(ii) The Director of Collegiate Education " ;

(4) in section 24,—

(*a*) in sub-section (2), for clauses (ii) and (iii), the following clause shall be substituted, namely :—

"(ii) teachers nominated by the Syndicate, not exceeding such number as may be prescribed by the Statutes." ;

(*b*) in sub-section (4), for the words "elected or co-opted", the word "nominated" shall be substituted ;

(5) in section 29, after clause (i), the following clause shall be inserted, namely :—

"(*ia*) fees to be charged for courses of study in the University Colleges and Departments and the affiliated colleges." :

(6) in sub-section (1) of section 32, for clause (i), the following clause shall be substituted, namely:—

"(i) that the college rules fixing the fees (if any) to be paid by the students have been framed or will be framed to ensure that the scales of fees shall not exceed the scales prescribed by the Ordinances."; and

(7) in the Schedule, after the entry relating to 'Belgaum District,' the following entry shall be inserted, namely :—

"1 A. Bellary District."

3. Amendment of Mysore Act 23 of 1956.—In the Mysore University Act, 1956 (Mysore Act 23 of 1956),—

(1) for sub-section (5) of section 4 A, the following sub-section shall be substituted, namely :—

"(5) With effect from the date of commencement of the Karnatak and Mysore Universities (Amendment) Act, 1965,—

(*a*) the privileges granted to the Medical College, Manipal, the Engineering College, Manipal, and the Law College, Udipi, situate in South Kanara District, by the Karnatak University before the said date shall be deemed to be withdrawn ; and

(*b*) the said colleges shall be deemed to be admitted to the privileges of the University and the University shall, as far as may be possible, admit the said colleges to all such privileges as they had from the Karnatak University, and provide for the continuance of the courses of instruction existing in such colleges, immediately before the said date, and the examinations in respect of such courses :

Provided that the Government may by order specify the date or the dates from which all or any of the said colleges shall cease to have all or any such privileges, courses of instruction and examinations.";

(2) in section 20, for clause (l), the following clause shall be substituted, namely: —

"(l) to arrange for and direct the inspection of affiliated colleges and institutions, to issue instructions to maintain their efficiency and for ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to recommend modification of the conditions of their affiliation or take such other steps as it deems proper;";

(3) in section 41, after clause (a), the following clause shall be inserted, namely :—

'(a-1) the fees to be charged for courses of study in the affiliated colleges;";

(4) in sub-sectien (1) of section 44A, for clause (i) the following clause shall be substituted, namely :—

"(i) that the college rules fixing the fees (if any) to be paid by the students have been framed or will be framed to ensure that the scales of fees shall not exceed the scales prescribed by the Ordinances.";

(5) in the Schedule, after the word "excluding", the words "the Bellary District and" shall be inserted.

4. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of the Karnatak University Act, 1949, as amended by this Act, or the provisions of the Mysore University Act, 1956, as amended by this Act, the State Government may, as occasion may require, by order published in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

It has become necessary to amend the Karnatak University Act, 1949, and the Mysore University Act, 1956, in order to bring in uniformity in certain provisions of the two Acts to meet the changed conditions in the State and to remove certain anomalies. The amendments proposed are essential and urgent ones.

At present, the Medical College, Manipal, the Engineering College, Manipal and the Law College, Udipi, situated in the South Kanara District, are affiliated to the Karnatak University and the other colleges in the District are affiliated to the Mysore University. With a view to do away with this dual jurisdiction by the Karnatak and the Mysore Universities in that District, it is proposed to bring all the colleges in South Kanara District under the jurisdiction of the Mysore University.

The strength of students in the Mysore University is very large, *vis-a vis*, the strength of students in the Karnatak University. Some redistribution of the students strength is necessary in the interests of better administration. It is therefore proposed to bring all the colleges in Bellary District, now affiliated to the Mysore University, under the jurisdiction of the Karnatak University. Bellary District is nearer to the seat of the Karnatak University and is contiguous to the Districts under the jurisdiction of the Karnatak University.

Hence, this Bill.

The proposed amendments do not involve any expenditure from the Consolidated Fund of the State.

S. R. KANTHI.

G. S. VENKATARAMANA IYER,
Secretary.

Reg. No. B.G. 202.

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PART IV—2-A

BANGALORE, WEDNESDAY, JANUARY 27, 1965 (MAGHA 7, SAKA ERA 1886). | No. 22

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12165—L. A., Bangalore-1, dated 27th January 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Bangalore University (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE BANGALORE UNIVERSITY (AMENDMENT) BILL, 1965.

A Bill to amend the Bangalore University Act, 1964.

WHEREAS it is expedient to amend Bangalore University Act, 1964 (Mysore Act 26 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Bangalore University (Amendment) Act, 1965.

2. Amendment of section 62.—In section 62 of the Bangalore University Act, 1964 (Mysore Act 26 of 1964) (hereinafter referred to as the principal Act), after the words "any student", the words "of the Mysore University Engineering College, Bangalore or" shall be and shall always be deemed to have been inserted.

3. Insertion of new section 71A.—After section 71 of the principal Act, the following section shall be and shall always be deemed to have been inserted, namely:—

"**71A. Special provision in respect of certain examinations.**—(1) Notwithstanding anything contained in this Act and the Statutes, Ordinances, Regulations and Rules made thereunder, or in the Mysore University Act, 1956, and the Statutes, Ordinances, Regulations, Rules, Orders and instruments made thereunder, the University of Mysore shall provide until such date as may be appointed by the Government, for the examination of students to whom the provisions of section 62 are applicable, and different dates may be appointed in respect of different examinations.

(2) Where examinations are provided by the University of Mysore under sub-section (1) to any student, such student shall for purposes of the Mysore University Act, 1956, and the Statutes, Ordinances, Regulations, Rules,

Orders and other instruments made thereunder, be deemed to be a student of the University of Mysore, and shall be entitled to the rights and subject to the liabilities of any such student."

4. Repeal.—(1)The Bangalore University(Amendment) Ordinance, 1964 is hereby repealed.

(2) Notwithstanding the repeal by sub-section (1), anything done or any action taken under section 71A of the principal Act, as inserted by the said Ordinance shall be deemed to have been done or taken under the said section as inserted by this Act.

Statement of Objects and Reasons

The provisions of the Bangalore University Act, 1964 (other than the provisions which had already come into force) were brought into force with effect from 26th November 1964. Owing to administrative difficulties, the Bangalore University could not immediately undertake necessary steps for the conduct of various examinations which were due to commence on various dates commencing from 21st December 1964 and onwards. It was, therefore, considered necessary to provide for the conduct of the examinations by the University of Mysore. As the Houses of Legislature were not in session, an Ordinance was promulgated amending the Bangalore University Act. This Bill is intended to make the amendments provided for in the Ordinance and to repeal the Ordinance.

S. R. KANTHI.

G. S. VENKATARAMANA IYER,
Secretary.

ANNEXURE

Extract from the Bangalore University Act, 1964
(*Mysore Act* 25 *of* 1964).

* *

62. Completion of courses by students in colleges affiliated to the University of Mysore.—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations and Rules made thereunder, any student of a college situate within the University Area and previously affiliated to the University of Mysore who immediately before the date of commencement of this Act was studying or was eligible for any examination of the University of Mysore, shall be permitted to complete his course in preparation therefor and the University shall provide for such period and in such manner as may be determined by the Chancellor for the instruction, teaching, training and examination of such student in accordance with the courses of study of the University of Mysore.

Statement under sub-rule (1) of Rule 70 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, regarding the promulgation of the Bangalore University (Amendment) Ordinance, 1964 (Mysore Ordinance No. 2 of 1964).

The provisions of the Bangalore University Act, 1964 (other than the provisions which had already come into force) were brought into force with effect from 26th November 1964. Under section 62 of the Act, the Bangalore University was required to provide for the instruction, teaching, training and examinations of students of colleges situate within the University area in accordance with the courses of study of the University of Mysore. The M. B. B. S. examination was due to commence on 21st December 1964 and the administrative arrangements necessary for the conduct of the examination could not be made within the short time available. Therefore it became necessary to provide for the conduct of the examination by the University of Mysore. As immediate action was required and as the Houses of Legislature were not in session, the Bangalore University (Amendment) Ordinance, 1964, was promulgated.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bgre

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 14193/L.A., Bangalore-1, dated 18th February 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **the Mysore Warehouses (Amendment) Bill, 1965,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE WAREHOUSES (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Warehouses Act, 1961.

WHEREAS it is expedient to amend the Mysore Warehouses Act, 1961 (Mysore Act 11 of 1962);

BE it enacted by the Mysore State Legislature in the sixteenth year of the Republic of India, as follows:—

1. Short title.—This Act may be called the Mysore Warehouses (Amendment) Act, 1965.

2. Insertion of new Section 32-A.—After Section 32 of he Mysore Warehouses Act, 1961 (Mysore Act 11 of 1962), the following section shall be inserted, namely:—

"**32-A Warehousemen and depositors to comply with the provisious of Central Act 1 of 1944.**—In respect of goods warehoused under this Act to which the provisions of the Central Excises and Salt Act, 1944 are applicable, every warehouseman or depositor shall comply with the provisions of the said Act and the rules and notifications issued thereunder in so far as they are applicable to such goods."

Statement of Objects And Reasons.

It is considered necessary to amend the Mysore Warehouses Act, 1961, casting a clear obligation on every warehouseman and depositor of complying with the provisions of the Central Excises and Salt Act, 1944 and the rules and notifications issued thereunder in respect of goods deposited in a warehouse.

Hence this Bill.

RAMAKRISHNA HEGDE.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, THURSDAY, FEBRUARY 25, 1965 (PHALGUNA 6, SAKA ERA 1886). | No. 44

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 14577—L.A., Bangalore-1, dated 25th February 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Tenancy Laws (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

MYSORE TENANCY LAWS (AMENDMENT) BILL, 1965.

A Bill further to amend certain tenancy laws in force in the State of Mysore.

WHEREAS it is expedient further to amend the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 13 of 1957), the Coorg Tenants Act, 1957 (Mysore Act 14 of 1957), the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 15 of 1957), the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957 (Mysore Act 16 of 1957) and the Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Tenancy Laws (Amendment) Act, 1965.

2. Amendment of Mysore Act 13 of 1957.—In section 2 of the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures "thirty-first day of March 1965", the words and figures "thirty-first day of March 1966" shall be substituted.

3. Amendment of Mysore Act 14 of 1957.—In sub-section (1) of section 8 of the Coorg Tenants Act, 1957, for the words and figures, "31st day of March 1965", the words and figures "31st day of March 1966" shall be substituted.

4. Amendment of Mysore Act 15 of 1957.—In section 2 of the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures "31st day of March 1965", the words and figures "31st day of March 1966" shall be substituted.

5. Amendment of Mysore Act 16 of 1957.—In the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957,—

(1) in section 4,—

(*a*) in sub-section (1), for the words and figures "during the calendar year 1957 or 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 or 1965 shall be deemed to be a tenancy for a further period ending on the thirty-first day of March 1965", the words and figures, "during the calendar year 1957 or 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 or 1965 or 1966 shall be deemed to be a tenancy for a further period ending on the thirty-first day of March 1966" shall be substituted;

(*b*) in sub-section (2), for the words and figures "thirty-first day of March 1965", the words and figures, "thirty-first day of March 1966" shall be substituted; and

(2) in sub-section (1) of section 5, for the words and figures "31st day of March 1965", the words and figures "31st day of March 1966" shall be substituted.

6. Amendment of Mysore Act 37 of 1961.—In sub-section (4) of section 1 of the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, for the figures and words "31st day of March 1965", the figures and words "31st day of March 1966" shall be substituted.

Statement of Objects and Reasons.

The duration of tenancies of agricultural lands in force in the State of Mysore which was further extended by the Mysore Tenancy Laws (Amendment) Act, 1964 (Mysore Act 16 of 1964), is due to expire on the 31st March 1965. The duration of the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, is also due to expire on 31st March 1965. As the Mysore Land Reforms Act, 1961, which provides for the repeal of these laws, is not likely to be brought into force before 31st March 1965, it is necessary to provide for the continuance of the *status quo* until the Mysore Land Reforms Act is brought into force.

Hence this Bill.

M. V. KRISHNAPPA.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, SATURDAY, MARCH 27, 1965
(CHAITRA 6, SAKA ERA 1887).

No. 70

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 1599—L. A., Bangalore-1, dated 27th March 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation (No. 4) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION (No. 4) BILL, 1965.

Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 4) Act, 1965.

2. Issue of rupees 287.17.97,300 out of the Consolidated Fund of the State for the financial year 1965-66. -From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and eightyseven crores, seventeen lakhs, ninetyseven thousand and threehundred rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See Sections 2 and 3).

No. of Demand		Services and Purposes		Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
		A. EXPENDITURE MET FROM REVENUE				
1	4	Taxes on Income other than Corporation Tax	..	5,67 000	2,000	5 69 000
2	9	Land Revenue	...	2,11,73 000	5,000	2,11 78 000
3	10	State Excise Duties	...	21,89 000	1,000	28 90,000
4	11	Taxes on Vehicles	..	15,28,0 0	9,000	15,25,000
5	12	Sales Tax	...	48,5 ,000	10,000	48 65,000
6	13	Other Taxes and Duties	...	10,75 000	1,000	10,76,000
7	14	Stamps	...	9,00 000	1,000	9 01 000
8	15	Registration Fees	...	20,69,000	1,000	20,70,000
...	16	Interest on Debt and Other Obligations	...	...	13,74,22,000	13,74,22,000
...	17	Appropriation for Reduction or Avoidance of Debt.				
9	18	Parliament and State Legislatures	...	28,22 400	75 000	28 97 400
10	19	General Administration	...	3 26,87 2 0	10,2 ,000	3 36,17,000
11	21	Administration of Justice	...	1,02 49,000	17,89,0 0	1,19 38 000
12	22	Jails	...	50,99,500	1,000	51 0,500
13	24	Police	...	5,45,76,0.0	30,000	5,46 06 000
14	25	Supplies and Disposals	..	53,5 ,000	...	53,55,0 0
15	26	Miscellaneous Departments	...	1,08,32,000	1,000	1, 3 .8 000
16	27	Scientific Departments	..	22 84,000	...	22,84,000
17	28	Education	...	25,02 04,400	10,000	25 02 74,400
18	29	Medical	...	4, 2 86,000	5,000	4,22,91,000
19	30	Public Health	..	4,02 94,0 0	1,000	4 02 95 000
		C O.	...	49,1 ,3 ,5 0	14 63 3 ,80	6 ,15,2 7,300

SCHEDULE—*Contd.*

No. of dem nd	2		Sums not exceeding		3
		Services and Purposes	Voted by th Legislative Assembly	Charged on the Consolidated Fund	
			Rs.	Rs.	Rs.
	B. F.	...	49,11,90,600	14,08,36,800	63,15,27,300
20	31	Agriculture ...	4,86,08,000	5,000	4,86,13,000
21	32	Rural Development ...	44,72,000	...	44,72,000
22	33	Animal Husbandry ...	2,87,21,000	1,000	2,87,22,000
23	34	Co-operation ...	1,18,78,700	1,000	1,18,79,700
24	35	Industries ...	12,27,93,600	1,000	12,27 94,600
25	37	C. D. P., N. E. S. and L. D. Works ...	4,32,23,200	...	4,32,23 200
26	39	Labour and Employment ...	88,48,000	2,000	88,50,000
27	39	Miscellaneous, Social and Developmental Organisations ...	2,42,21,000	...	2,42,21,000
28	40	Capital Outlay on Industrial Development	50,000		50,000
29	43	Irrigation, Navigation, Embankment and Drainage Works (Commercial)..	5,45,95,000		5,45,95,000
30	44	Do (Non.Commercial) ...	1.73 99,000	10,000	1,74,09 000
31	50	Public Works	22,83,31,000	1,01,000	22,84,32,000
32	53	Ports and Pilotage	8,04,000	...	8,04,000
33	64	Famine Relief	40,29 000	...	40,29.000
34	65	Pensions and Other Retirement Benefits.	2,83,11.000	26,35,000	3,09,46,000
35	66	Territorial and Political Pensions ...	1,62,000	1,28,000	2,90,000
36	67	Privy Purses and Allowances of Indian Rulers ...	82,000	1,88,000	2,20,000
37	68	Stationery and Printing	92,75,000	1,000	92,76,000
38	70	Forest	5,64,78,000	53,000	5,65,31,000
39	71	Miscellaneous	8,67,17,000	1,50,000	8,68,67,000
40	72	Commutation of Pensions ...	10,90,000	1,99,000	12,89,000
41	76	Other Miscellaneous Compensations and Assignments. ...	95,76,000	28,13,000	1,23,89,000
41A	78-A.	Expenditure connected with the National Emergency, 1962. ...	17,97,500	...	17 97,500
		Total A. ...	1,23,46,02,500	14,66,24,800	1 88,12,27,300

No. of demand		Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.	Rs.	Rs.	Rs.
42	92	Payment of Compensation to Landholders on the abolition of Zamindari System. ..	46,17,000	8,58,000	54,75,000
43	94	Capital outlay on Improvement of Public Health ...	10,30,000		10,30,000
44	96	Capital outlay on Industrial and Economic Development ...	4,50,76,000		4,50,76,000
45	99	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works— (Commercial.)	8,79,84,000		8,79,84,000
46	100	Do do (Non-Commercial)...	2,50,97,000	...	2,50,97,000
47	01	Capital Outlay on Electricity Schemes ..	19,18,65,000	...	19,18,65,000
48	103	Capital Outlay on Public Works ...	7,59,75,000	50,000	7,60,25,000
49	09	Capital Outlay on Other Works ...	6,00,000	...	6,00,000
50	10	Capital Outlay on Ports	59,99,000	...	59,99,000
51	19	Capital Outlay on Forests ..	11,50,000	...	11,50,000
52	110	Payment of Commuted Value of Pensions	10,90,000	3,24,000	14,14,000
53	124	Capital Outlay on Schemes of Government Trading. ...	7,96,81,000	...	7,96,81,000
53A	125	Appropriation to the Contingency Fund	1,00,00,000	..	1,00,00,000
		Total C. ..	68,81,64,000	12,82,000	53,44,96,000
		D. PUBLIC DEBT—REPAYMENT AND INTER-STATE SETTLEMENTS			
		O. Public-Debt (Repayment R. Inter-State Settlements		74,86,20,000	74,86,20,000
		E. DISBURSEMENT OF ADVANCES AND LOANS			
54		Q. Loans and Advances by State and Union Territory Governments ..	20,75,54,000	...	20,75,54

Statement of Objects and Reasons.

This Bill is introduced in pursuance of the provisions of Article 204 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of moneys required towads defraying the several charges which will come in course of payment during the financial year 1965-66 ending on 31st March 1966.

B. D. JATTI.

T. HANUMANTHAPPA,
Secretary.

Reg. No. BG 202.

The Mysore Gazette

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PART IV—2-A

BANGALORE, SATURDAY, MARCH 27, 1965
(CHAITRA 6, SAKA ERA 1887).

No. 69

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 15908—L.A., Bangalore-1, dated 27th March 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the Mysore Civil Courts (Amendment) Bill, 1965, together with the statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Civil Courts Act, 1964.

WHEREAS it is expedient to amend the Mysore Civil Courts Act, 1964 (Mysore Act No. 21 of 1964) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Mysore Civil Courts (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. **Amendment of section 29.**—In section 29 of the Mysore Civil Courts Act, 1964 (Mysore Act 21 of 1964),—

(i) after sub-section (1), the following sub-section shall be and shall always be deemed to have been inserted, namely :—

"(1A) Notwithstanding anything in sub-section (1) or in any other law, any reference in any law or instrument to a Civil Court shall be deemed to be a reference to the corresponding Civil Court deemed to be established under this Act as specified in section 12 or to such Civil Court established under this Act, as the case may be."

(ii) in sub-section (2), after clause (*e*), the following clause shall be inserted, namely :—

"(*ee*) appeals and proceedings connected therewith pending before a District Court from the decrees and orders passed by a Civil Judge

(Junior Division) other than a Joint Civil Judge (Junior Division) appointed or deputed to assist in the Court of a Cvil Judge (Senior Division) under section 23 of the Bombay Civil Courts Act, 1869, shall, on the date of commencement of the Mysore Civil Courts (Amendment) Act, 1965, stand transferred to the Court of the Civil Judge and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court;"

Statement of Objects and Reasons

Representations have been received from the Bar Associations in the Bombay Area requesting amendment of the Mysore Civil Courts Act, 1964, to provide for transfer of appeals from decrees passed by Civil Judges (Junior Division) pending before District Courts to the Courts of Civil Judges. The High Court has also suggested amendment of the Act for the purpose. Hence this Bill.

M. V. RAMA RAO.

T. HANUMANTHAPPA,
Secretary.

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PART IV—2-A

BANGALORE, TUESDAY, MARCH 23, 1965.
(CHAITRA 2, SAKA ERA 1887).

No. 66

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 15069—L. A., Bangalore-1, dated 22nd March 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation (No. 3) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION (No. 3) BILL, 1965.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65 ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 3) Act, 1965.

2. **Issue of rupees 25, 67, 13, 982 out of the Consolidated Fund of the State for the financial year 1964-65.**—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-five crores, sixty-seven lakhs, thirteen thousand, nine hundred and eighty-two rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65 in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said Year.

SCHEDULE

(*See* Sections 2 and 3)

1	2			3		
No. of Demand	Services and Purposes			Sums not exceeding		Total
				Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE			Rs.	Rs.	Rs.
1	4	Taxes on Income other than Corporation Tax	... ...	10,900	...	10,900
2	9	Land Revenue	... ...	13,99,600	2,50,000	16,49,600
3	10	State Excise Duties	...	200	...	200
4	11	Taxes on Vehicles	... ...	200	677	877
5	12	Sales Tax	... ..	200	...	9
6	13	Other Taxes and Duties	... ...	200	...	
7	14	Stamps	... ...	200	...	
8	15	Registration Fees	...	200	...	
...	16	Interest on Debt and Other Obligations	...	...	74,85,700	74,85,700
9	18	Parliament, State and Union Territory Legislatures	...	400	...	400
10	19	General Administration	... ...	3,82,743	...	3,82,743
11	21	Administration of Justice	...	56,000	...	56,000
12	22	Jails	...	3,10,000	...	3,10,000
13	23	Police	...	200	...	
14	25	Supplies and Disposals	... ...	40,00,000	...	40,00,000
15	26	Miscellaneous Departments	...	3,70,250	...	3,70,250
16	27	Scientific Departments	... ...	200	...	
17	28	Education	... ...	500	...	
18	29	Medical	... ...	2,62,000	...	2,62,000
19	30	Public Health	... ...	200	...	
20	31	Agriculture	... ..	3,88,400	...	3,88,400
21	32	Rural Development	... ...	20,83,800	...	20,83,800
22	33	Animal Husbandry	... ...	200	...	200
			C. O. ...	92,66,093	77,36,377	1,70,02,470

SCHEDULE—(*contd.*)

1	2		3		
No.	Demand No.	Services and Purposes	Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		B. F.	Rs 92,66,093	Rs. 77,86,377	Rs. 1,70,02,470
23	34	Co-operation	3,00,000	...	3,00,000
24	35	Industries	56,60,000	...	56,60,000
25	37	Community Development Projects, National Extension Service and Local Development Works ...	28,700		28,700
26	38	Labour and Employment ...	3,10,000		3,10,000
27	39	Miscellaneous Social and Developmental Organisations. ...	200		
29	43	Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	1,85,10,000		1,85,10,000
30	44	Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial) ...	17,90,100		17,90,100
30A	45	Electricity Schemes ...	31,17,679	...	31,17,679
31	50	Public Works ...	7,87,333	...	7,87,333
32	53	Ports and Pilotage ...	200	...	200
33	64	Famine Relief ...	100	...	100
34	65	Pensions and Other Retirement Benefits.	30,99,600	2,500	31,02,100
36	67	Privy Purses and Allowances of Indian Rulers. ...	5,000	...	5,000
37	68	Stationery and Printing ...	200	...	200
38	70	Forest	200	...	200
39	71	Miscellaneous	16,26,000	...	16,26,000
40	72	Commutation of Pensions ...	7,34,700	1,68,400	9,03,100
41	76	Other Miscellaneous Contributions and Assignments ...	90,000		90,000
41A	78A	Expenditure connected with the National Emergency, 1962 ...	200	...	200
		Total A ...	4 53,26,614	79,07,277	5,32,33,781

SCHEDULE—(*concld.*)

No. of Demand	Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			Rs.	Rs.
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT			
44	96 Capital Outlay on Industrial Development ...	1,42,08,000		1,42,08,000
45	99 Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial) ...	2,29,85,000	84,018	2,30,19,018
46	100 Do (Non-Commercial) ...	1,900	1,300	3,200
47	101 Capital Outlay on Electricity Schemes	99,75,988	...	99,75,988
48	103 Capital Outlay on Public Works ...	1,42,11,400	...	1,42,11,400
50	110 Capital Outlay on Ports ...	100		100
52	120 Payments of Commuted Value of Pensions	7,23,900		7,23,900
53	121 Capital Outlay on Schemes of Government Trading. ..	6,13,98,000		6,13,98,000
	Total 'C' ..	2,34,64,288	85,818	12,85,89,601
	D. PUBLIC DEBT REPAYMENT AND INTER-STATE SETTLEMENTS			
	Public Debt—Repayment R. Inter-State Settlements		7,59,83,807	7,59,83,807
	E. DISBURSEMENT OF ADVANCES AND LOANS			
54	Q. Loans and Advances by State and Union Territory Governments ...	83,56 793		83,56 793
	Grand Total ...	17,27,37,585	8,39,76,597	25,67,18,982

Statement of Objects and Reasons

This Bill is introduced in pursuance of the provisions of Article 204 (1) read with Article 205 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of moneys required towards defraying the several further charges which will come in course of payment during the financial year ending on 31st March 1965.

B. D. JATTI.

T. HANUMANTHAPPA,
Secretary,

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The Mysore Gazette

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PART IV—2-A

BANGALORE, FRIDAY, APRIL 9, 1965
(CHAITRA 19, SAKA ERA 1887).

No. 86

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 377—L. A., Bangalore-1, dated 9th April 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Land Reforms (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Land Reforms Act, 1961.

WHEREAS it is expedient to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows.—

1 Short title and commencement.—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1965.

(2) It shall come into force at once.

2 Amendmeat of section 2.—In section 2 of the Mysore Land Reforms Act, 1961 (hereinafter referred to as the principal Act),—

(1) in sub-section (A),—

(*a*) for clause (30), the following clause shall be substituted namely.—

"(30) "seaman" means a person including a master, pilot or apprentice employed or engaged as a member of the crew of a ship or sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;"

(') after clause (31), the following clause shall be inserted, namely :—

"(31 A) "soldier" means a person in the service of the armed forces of the Union, and includes in the case of a soldier who has died while engaged in operations for the defence of India, the spouse, the child and grand child who were dependent upon such soldier at the time of his death :

Provided that if a question arises whether any person is a soldier or whether any soldier has died while engaged in operations for the

defence of India, such question shall be decided by the State Government, and its decision shall be final;"

(c) for clause (34), the following clause shall be substituted, namely:—

"(34) "tenant" means an agriculturist who holds land on lease from a landlord and includes,—

(i) a person who is deemed to be a tenant under section 4;

(ii) a person who was protected from eviction from any land by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961;

(iii) a person who is a permanent tenant; and

(iv) a person who is a protected tenant;

Explanation:—A person who takes up a contract to cut grass, or to gather the fruits or other produce of any land, shall not on that account only be deemed to be a tenant;";

(2) in sub-section (B), for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

3. Amendment of section 5.—In clause (v) of proviso (b) to sub-section (1) of section 5 of the principal Act, for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

4. Amendment of section 7.—In sub section (1) of section 7 of the principal Act, the words "for a period of six consecutive years" shall be omitted.

5. Amendment of section 13.—In section 13 of the principal Act, sub-section (4) shall be omitted.

6 Amendment of section 14.—In section 14 of the principal Act,—

(1) in sub-section (1), for the words "other than land held by a permanent tonant", the words, figures, letter and brackets "other than land referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted.

(2) in sub-section (6),—

(*a*) after category (ii), the following categories shall be inserted, namely.—

"(iii) a widow ;

"(iv) an unmarried woman ;" ;

(*b*) after clause (b), the following clauses shall be inserted, namely.—

"(*c*) in the case of category (iii), she remarries ;

(*d*) in the case of category (iv), she marries ;"

7 Amendment of section 15.—In section 15 of the principal Act,—

(1) in the heading for the words "members of Armed Forces" the words "soldiers and seamen" shall be substituted ;

(2) for sub-section (1), the following sub-section shall be substituted, namely.—

"(1) Where the landlord is a soldier or seaman—

(*a*) he shall be entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not ;

(*b*) he shall be liable to file the statement under sub-section (1) of section 14 and his tenant shall be competent to make an application under sub-section (1) of section 58,—

(i) in the case of a soldier in service in the Armed Forces of the Union, within one year from the date on which he is released from the Armed Forces or is sent to the Reserve ;

(ii) in the case of a spouse or child or grand child of a soldier, within one year from the date of the death of such soldier;

(iii) in the case of a seaman, from the date on which he ceases to be a seaman;

(*c*) after a certificate is issued in respect of any land under sub-section (1) of section 14, he shall be granted possession of such land as soon as may be after making an application for such possession, but the tenants shall not be dispossessed before the crops, if any, grown on such land by such tenants are harvested."

(3) In sub-section (2), for the words "serving member of the armed forces", the words "a soldier or seaman" shall be substituted.

8. Amendment of section 16.—In section 16 of the principal Act, after clause (10), the following clauses shall be inserted, namely.—

"(10A) If any person has after the 18th November 1961 and before the appointed day transferred any land, then in calculating the extent of land owned by such person for purposes of the preceding clauses, the area so transferred shall be taken into consideration, and land exceeding the resumable area so calculated shall be deemed to be non-resumable land, and such person shall not be entitled to resume such non-resumable land.

Explanation.—For purposes of this clause, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos.*

(10B) No person shall be entitled to resume any land from a tenant in the Bombay Area unless he had given a notice to such tenant under section

31 of the Bombay Tenancy and Agricultural Lands Act, 1948, before the 11th March 1957, and where such notice had been given by any person, the extent of land, if any, resumable, shall be subject to the restrictions and conditions specified in the said Act, as in force before the 1st January 1957.

(10C) No person shall be entitled to resume any land from a tenant in the Hyderabad Area unless he had filed a statement of reservation of land under the proviso to sub-section (1) of section 44 or section 44A of the Hyderabad Tenancy and Agricultural Lands Act, 1950, before the 13th May 1957, and where such statement had been filed by any person, the land if any, resumable shall be subject to the restrictions and conditions specified in the said Act, as in force before the 1st January 1957."

9. Amendment of section 21.—In clause (*a*) of sub-section (2) of section 21 of the principal Act, for the words "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

10. Amendment of section 22.—In section 22 of the principal Act,—

(1) in sub-section (1), after the words "order of a court of law", the words and figures "or anything contained in any enactment or law repealed by section 142 or in any other law in force before the commencement of such enactment or law" shall be inserted;

(2) in sub-section (3), for the words, "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

11. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely:—

"**25. Surrender of land by tenant.**—(1) No tenant shall surrender any land held by him as such, and no landlord shall enter upon the land surrendered by the tenant, without the previous permission in writing of the Tribunal.

(2) Permission under sub-section (1) shall be granted if, after making such inquiry as may be prescribed, the Tribunal is satisfied that the proposed surrender is *bona fide* and the land surrendered does not exceed the extent of land which the landlord could have resumed from his tenant under section 14; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the tenant gives a declaration in writing relinquishing his rights in the land, such land shall be deemed to be surplus land and the provisions of sections 65 to 79 shall *mutatis mutandis* apply to such land as if such land were surplus land in excess of the ceiling laid down in section 63 or section 64."

12. Amendment of section 42.—In sub-section (4) of section 42 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

13. Amendment of section 44.—In sub-section (1) of section 44 of the principal Act, for the words "all lands leased to permanent tenants", the words, figures, brackets and letter "all lands leased to permanent and other tenants referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted.

14. Amendment of section 45.—In section 45 of the principal Act,—

(1) In sub-section (1), the words "in respect of lands in the Bombay, Mysore and Hyderabad Areas and Coorg

District and to a ryotwari patta in the Madras Area and Bellary District" shall be omitted ;

(2) in sub-section (2), the words "or for ryotwari patta" shall be omitted ;

(3) in sub-sections (3), (4), (5), and (6), the words "or to a ryotwari patta" shall be omitted.

15. Amendment of section 46.—In section 46 of the principal Act, the words "or holder of a ryotwari patta" shall be omitted.

16. Amendment of section 47.—In sub-section (1) of section 47 of the principal Act, for the words "The land-owner", the words and figures "Save as provided in section 106, the land-owner" shall be substituted.

17. Amendment of section 48.—In section 48 of the principal Act,—

(1) in clause (a) of sub-section (1), the words "or to ryotwari pattas, as the case may be", shall be omitted;

(2) in sub-section (2), the words "or to have a ryotwari patta, as the case may be" shall be omitted ;

(3) in sub-section (3), the words "or to have a ryotwari patta" and "or to have a ryotwari patta, as the case may be" shall be omitted ;

(4) in sub-section (4), the words "or to have a ryotwari patta, as the case may be", "or to a ryotwari patta, as the case may be", and "or granted a ryotwari patta" shall be omitted ;

(5) in clause (b) of sub-section (5), the words "or to ryotwari pattas, as the case may be" shall be omitted.

18. Amendment of section 49.—In section 49 of the principal Act, the words "or to a ryotwari patta, as the case may be" shall be omitted.

19. Amendment of section 50.—In sub-section (1) of section 50 of the principal Act, after the words "the encumbrance in respect of such land shall", the words and figures "save as provided in section 106" shall be inserted.

20. Amendment of section 51.—In section 51 of the principal Act,—

(1) for the words "The compensation", the words and figures "Save as provided in section 106, the compensation" shall be substituted;

(2) in clause (a), for the words "ten thousand rupees", the words "two thousand rupees" shall be substituted; and

(3) in clause (b), for the words "ten thousand rupees" in the two places where they occur, the words "two thousand rupees" shall be substituted.

21. Amendment of section 53.—In sub-section (1) of section 53 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

22. Amendment of section 54.—In sub-section (1) of section 54, of the principal Act, the words "or to a ryotwari patta" shall be omitted.

23. Amendment of section 55.—In section 55 of the principal Act,—

(1) in sub-section (1), the words "or has become a holder of a ryotwari patta" and "or grant of ryotwari patta, as the case may be" shall be omitted;

(2) in sub-section (2), the words "or to a ryotwari patta" shall be omitted.

(3) in sub-section (3), the words "or to a ryotwari patta, as the case may be," shall be omitted.

24. Amendment of section 56.—In section 56 of the principal Act, the words "or to a ryotwari patta, as the case may be," shall be omitted.

25. Amendment of section 57.—In sub-section (1) of section 57 of the principal Act,—

(i) for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted ;

(ii) for clause (iii), the following clauses shall be substituted, namely :—

"(iii) by a soldier within one year from the date on which he is released from the Armed Forces or is sent to the Reserve ;

(iv) by a seaman, within one year from the date on which he ceased to be a seaman."

26. Amendment of section 59.—In section 59 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

27. Amendment of section 60.—In section 60 of the principal Act, the words "or granted a ryotwari patta" shall be omitted.

28. Amendment of section 61.—In section 61 of the principal Act,—

(1) in sub-section (1), the words "or ryotwari patta" shall be omitted ;

(2) in sub-section (2), the words "or holder of ryotwari patta" shall be omitted.

29. Amendment of section 62.—In section 62 of the principal Act, the words "or granted a ryotwari patta" and the words "or grant" in the two places where they occur shall be omitted.

30. Amendment of section 63.—In section 63 of the principal Act,—

(1) in the explanation to clause (a) of sub-section (5), after the words "fruit bearing trees", the words "other than coconut and arecanut trees" shall be inserted ;

(2) after sub-section (6), the following sub-section shall be inserted, namely :—

"(6A) Notwithstanding anything contained in the preceding sub-sections, if any person has, after the 18th November 1961 and before the appointed day transferred any land, then in calculating the ceiling area which that person is entitled to hold, the area so transferred shall be taken into consideration, and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area, notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surplus land, and the provisions of sections 66 to 76 shall, as far as may be apply to the surrender to, and vesting in, the State Government, of such excess land.

Explanation.—For the purposes of this sub-section, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos.*"

31. Amendment of section 66.—In section 66 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that if a person holding land in such area is a soldier in service in the Armed Forces of the Union or a seaman, a declaration shall be filed within two years from the date notified under clause (a) or clause (b), as the case may be".

32. Amendment of section 77.—In section 77 of the principal Act, the words "or as holder of ryotwari patta" shall be omitted.

33. Insertion of new section 81A.—After section 81 of the principal Act, the following section shall be inserted, namely :—

"**81A. Declaration to be made before the registering authority in certain cases.**—(1) No documents relating to any transfer of land either by sale, gift, exchange, lease, mortgage surrender, agreement, settlement, or otherwise, shall be registered unless a declaration in writing is made in duplicate in such form as may be prescribed and filed by the transferee before the registering authority under the Indian Registration Act, 1908 (Central Act XVI of 1908), as to the total extent of land held by him.

(2) The registering authority referred to in sub-section (1) shall forward within such time and in such manner as may be prescribed, one copy of the declaration referred to in sub-section (1) to the prescribed officer, within whose jurisdiction the land which is the subject matter of the transfer or the major part thereof is situated.

(3) On receipt of the copy of the declaration under sub-section (2), the prescribed officer may obtain such information as may be necessary and take such action as he deems fit in acordance with the provisions of this Act, and in accordance with such rules as may be made in this behall."

34. Amendment of section 104.—In the explanation to section 101 of the principal Act,—

(i) in clause (ii), the words "not exceeding one hundred acres in extent" shall be omitted ;

(ii) in clause (iii), the words "not exceeding one ceiling area" shall be omitted.

35. Amendment of section 107.—In section 107 of the principal Act,—

(1) in the heading for the words "Government lands" the words "Government or Government managed or controlled lands" shall be substituted ;

(3) for the words "from Government", the words "from the Government or lands belonging to or held on lease from religious or charitable institutions managed by or under the control of the State Government" shall be substituted;

36. Amendment of section 111.—In section 111 of the principal Act, the explanation shall be omitted.

37. Amendment of section 115.—In sub section (2) of section 115 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or the corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

38. Amendment of section 116.—In sub-section (2) of section 116 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

39. Amendment of section 122.—In section 122 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

40. Amendment of section 125.—In section 125 of the principal Act,—

(1) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2A) If any person who is under an obligation to furnish any return or information under this Act or any rule made thereunder, furnishes any return or information which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2B) If any person makes any declaration before the registering authority under sub-section (1) of section 81A, which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2C) If any person contravenes any provision of this Act which is not punishable under any of the preceding sub-sections or wilfully contravenes any lawful order passed under this Act, he shall on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(2D) If any person, after the date of vesting in the Government of any land under any provision of this Act and before the disposal of such land under this Act, cuts or causes to be cut, trees on the land, or removes or causes to be removed any building, machinery, plant or apparatus constructed, erected or fixed on the land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of the land, he shall, on conviction by a magistrate, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both." ;

(2) in sub-section (3), after the words and figures "section 41", the words, figure, brackets and letter "or an offence punishable under sub-section (2D)" shall be inserted.

41. Amendment of section 137.—In section 137 of the principal Act, after sub-section (2), the following sub-section shall be added, namely :—

"(3) In making rules under this section, the State Government may provide that a contravention of any rule shall be punishable with fine which may extend to one hundred rupees.

"(4) A rule under this Act may be made with retrospective effect and when such rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the Legislature. Subject to any modification made under section 140, every rule made under this Act shall have effect as if enacted in this Act."

42. Amendment of section 142.—In section 142 of the principal Act,—

(i) in sub-section (1) in the first proviso, the words "save as provided in this Act" shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Notwithstanding anything contained in sub-section (1) or in any law in force in any area of the State of Mysore at any time before the commencement of this Act, the first proviso to the said sub-section or any other provision of law shall not be applicable in so far as the said proviso or provision of law will enable any person to evict from any agricultural land any agriculturist protected from eviction from any land in his possession by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, and no such agriculturist shall be liable to be evicted from such land except in accordance with the provisions of this Act."

43. Amendment of Schedule III.—In Schedule III to the principal Act, after item 10, the following item shall be added, namely :—

"11. The Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961)."

Statement of Objects and Reasons.

It is considered necessary to make certain amendments as suggested by the Government of India, to the Mysore Land Reforms Act 1961, before the Act is brought into force. Hence the Bill. The more important amendments are the following :—

(1) Transfers made after the passing of the Mysore Land Reforms Bill, 1 61 by the State Legislature, *i. e*, 18th November 1961, will be disregarded both for purposes of determining the extent of land for resumption as also for determining the ceiling area.

(2) In respect of the right of resumption, the rights of landlords to resume land will be limited in the Bombay Area to cases in which notices have been given within the prescribed period under the Bombay Tenancy and Agricultural Lands Act, 1948, and in the Hyderabad Area to cases in which declarations have been made within the prescribed period under the Hyderabad Tenancy and Agricultural Lands Act, 1950, and the extent of land resumable will be determined in accordance with the aforesaid Acts.

(3) As regards restoration of possession to a tenant dispossessed from land held by him, the requirements that he should have held the land for a period of six consecutive years before the 10th day of September 1961 will be deleted, in order to enable tenants who may not satisfy this requirement to get possession restored.

(4) Special provisions made in favour of the members of the Armed Forces of the Union are made applicable to personnel of the Merchant Navy, and in the case of any member of the Armed Forces of the Union who dies while engaged in operations for the defence of India, such member's spouse, child and grand child dependant upon such member will also be governed by such special provisions.

(5) As regardes surrenders to which section 25 of the Act is applicable, provision is made that the landlord will

be permitted to accept surrenders only to the extent to which he could have resumed the land, the excess land being treated as surplus land.

(6) The amount of compensation payable in cash under section 51 will be limited to two thousand rupees instead of ten thousand rupees.

(7) As regards plantations, the limit of one hundred acres for development of plantation fixed in clause (ii) of the explanation to section 104 will be deleted, and the limitation on the interspersed land specified by clause (iii) of the same explanation will also be deleted.

(8) Exemption granted to Government lands under section 107 will also be granted to lands belonging to or held on lease from religious and charitable institutions managed by or under the control of the Government.

Hx. 86

Memorandum Regarding Delegated Legislation.

Clause 11.—Sub-section (2) of new section 25 proposed to be inserted by this clause, provides for rules being made regarding the nature of enquiry to be made by the Tribunal before granting permission under sub-section (1).

Clause 33.—New section 81A proposed to be inserted by this clause provides for rules being made regarding,—

(i) the form of declaration to be made and filed by the transferee before the registering authority ;

(ii) the time within which and the manner in which, and the officer to whom one copy of the declaration should be forwarded by the registering authority ;

(iii) action to be taken by the prescribed officer and the information to be obtained by him after the receipt of the copy of the declaration.

Clause 41.—Under sub-sections (3) and (4) proposed to be added to section 137 by this clause, power is conferred on the State Government to make rules providing for punishment for contravention of any rule and to make rules with retrospective effect, the reasons for making such a rule being specified in a statement laid before both Houses of the Legislature.

The proposed delegation of legislative power is of a normal character.

M. V. KRISHNAPPA.

T. HANUMANTHAPPA,
Secretary,
Mysore Legislature.

Reg. No. B.G. 202.

The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, SUNDAY, APRIL 18, 1965
(CHAITRA 28, SAKA ERA 1887).

No. 90

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 615—L. A., Bangalore-1, dated 18th April 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Land Revenue (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LAND REVENUE (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Land Revenue Act, 1964.

WHEREAS it is expedient to amend the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called tht Mysore Land Revenue (Amendment) Act, 1965.

(2) This section and clauses (1), (2) and (3) of section 2, and sections 3, 4, 5, 6, 7 and 8 shall be deemed to have come into force on the first day of April 1964, and clause (4) of section 2 and section 9 shall come into force on the date of publication of this Act in the official Gazette.

2. **Amendment of section 2.**—In section 2 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) (hereinafter referred to as the principal Act),—

(1) in clause (7), for the word "land", the words "any class of land" shall be substituted ;

(2) for clause (8), the following clause shall be substituted, namely :—

"(8) 'class of land' means any of the following classes of land, namely, dry land, wet land, garden land or plantation land ;

Explanations.—For purposes of this Act,—

(*a*) 'dry land' means—

(*i*) land classified as dry land under any law repealed by section 202, or any law in force at any time before the commencement of this Act ;

(*ii*) land in which wet crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government :

(*b*) "wet land" means land in which wet crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government ;

(*c*) 'garden land' means land in which garden crops other than plantation crops can be grown, and shall consist of dry garden land and wet garden land ; and

(*i*) 'dry garden land' means land classified as such under any law repealed by section 202 or any law in force at any time before the commencement of this Act, or garden land in which wet garden crops cannot be grown except when irrigattd by water obtained from any source of water which is the property of the State Government ;

(*ii*) 'wet garden land' means land in which wet garden crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government ;

(*d*) 'plantation land' means land in which a plantation crop, that is, cardamom, coffee, pepper, rubber or tea, can be grown."

(3) for the Explanation to clause (20), the following Explanation shall be substituted, namely :—

"*Explanation* :—A ryotwari pattadar in the Madras Area and Bellary District, a pattadar or shikmidar in the Hyderabad Area and a holder or land-holder in the Coorg District shall be deemed to be an occupant of such land for purposes of this Act".

(4) in clause (27),—

(*i*) for the words "six and one-fourth per cent", the words "four per cent" shall be substituted ; and

(*ii*) to the clause, the following proviso shall be added, namely :—

"Provided that with reference to any plantation land, the standard rate shall be the value of one per cent of the average yield of crops per acre on the land in that class of one hundred per cent classification value;"

3. Amendment of section 60.—In clause (*b*) of section 60 of the principal Act, for the words "and any tax", the words "and includes any tax" shall be substituted.

4. Amendment of section 79.—In sub-section (2) of section 79 of the principal Act, for the words "Patasthal wet lands", the words "Motasthal wet lands" shall be substituted.

5. Amendment of section 121.—In the proviso to sub-section (1) of section 121 of the principal Act, for the words "no increase in the standard rates proposed in the Settlement Report shall be made", the words "no order modifying the Settlement Report which has the effect of increasing the standard rates proposed in respect of any class of land in such Report, shall be made by the State Government" shall be substituted.

6. Amendment of section 122.—In section 122 of the principal Act,—

(1) for the words "such date as the State Government may direct", the words "such date, which may be prospective or retrospective, as the State Government may, by notification, specify" shall be substituted;

(2) for the proviso, the following proviso shall be substituted, namely:—

"Provided that where the settlement is introduced during the course of any revenue year, the retrospective date so specified shall not be any date other than the date of commencement of that revenue year."

7. Amendment of section 124.—In section 124 of the principal Act,—

(1) for the words "any law for the time in force", the words "any law for the time being in force" shall be substituted; and

(2) at the end, the following Explanation shall be inserted, namely:—

"*Explanation*:—'ordinary land revenue' means the land revenue payable in respect of any land when no advantage by the úse of water from a source of water which is the property of the State Government, accrues to such land."

8. Amendment of section 125.—In section 125 of the principal Act, for the words, figures tnd brackets "direct at the time of passing order under sub-section (1) of section 121", the words "at any time direct" shall be substituted..

9. Provision relating to certain Settlement Reports.—Notwithstanding anything contained in the principal Act and the rules and orders made thereunder,—

(*a*) the Settlement Reports laid before each House of the State Legislature under sub-section (1) of section 121 of the principal Act, and pending befort the State Legislature on the date of commencement of this section, shall be deemed to have been modified in accordance with the provisions of the principal Act as amended by this Act; and

(*b*) on the approval of such Settlement Reports, with such other modifications as the State Legislature may make, the State Government shall pass orders under section 121 of the principal Act in conformity with such approval, and assessmtnt of the ordinary land revenue in respect of any land shall be fixed accordingly.

STATEMENT OF OBJECTS AND REASONS.

It is considered that in respect of dry lands, rain-fed wet lands and rain-fed garden lands, standard rate of land revenue for land of one hundred per cent classification value in that class should be four per cent of the value of the average yield of such land. It is also considered that in respect of plantations, the standard rate should be one per cent of the value of the average yield of lands of that class of one hundred per cent classification value.

In so far as the irrigated wet lands and irrigated garden lands are concerned, it is considered that for the purposes of land revenue, they should be treated as though they are dry lands and the land revenue applicable to the lands of that classification value of dry land of that class in that locality should be levied and that water rate may be levied separately under the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

It was originally intended that the new rates of assessment should be brought into force from the year 1965-66. On account of the fact that the consideration of the Settlement Reports has taken more time than was anticipated, it is proposed to make necessary amendments so as to enable Government to levy land revenue according to resettlement even if the new rates are actually introduced in the course of the revenue year.

Hence the Bill.

Opportunity has been taken to make certain other amendments of a minor nature.

M. V. KRISHNAPPA.

T. HANUMANTHAPPA,
Secretary,
Mysore Legislature.

ANNEXURE

Extracts from the Mysore Land Revenue Act, 1964.

2. *Definitions.*—In this Act, unless the context otherwise requires :—

*

(7) "classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, water and other advantages ;

(8) "class of land" means any of the following classes of land, namely, dry land, wet land, or garden land ;

* * * *

(20) "occupant" means a holder in actual possession of unalienated land other than the tenant :

Provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant ;

Explanation.—The grantee of a raiyatwari patta in respect of any land in the Madras Area and Bellary District shall be deemed to be the occupant of such land for purposes of this Act ;

*

(27) "standard rate" means with reference to any particular class of land in a group, the value of six and one-fourth per cent of the average yield of crops per acre on land in that class of one hundred per cent classification value ;

60. *Definitions.*—In this Chapter, unless the context otherwise requires,—

(*a*) 'land' includes the sites of villages, towns and cities, trees growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries ;

(*b*) 'land revenue' means all sums and payments in money or in kind received or claimable by, or on behalf of Government from any person on account of land held by, or vested in, him, and any tax, cess, rate or other impost payable under the provisions of any law for the time being in force.

*

79. *Regulation of supply of firewood and timber for domestic or other purposes.*—(1) In any village or land in which the rights of the State Government to the trees have been reserved under section 75 subject to certain privileges of tht villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes and in any land which has been set apart under section 71 for forest reserve subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by such rules as may be prescribed, or by orders to be made either generally or in any particular instance by the Deputy Commissioner or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising such privileges, the decision of the Deputy Commissioner or of such officer shall be final.

(2) Notwithstanding anything contained in subsection (1) but subject to such general or special orders that may be issued by the State Government from time to time, the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan

and Soppina Betta lands in Mysore Area, Jamma and Bane in Coorg District and Patasthal wet lands in Hyderabad Area shall continue.

*

121. *Settlement Report to be approved by State Legislature.*—(1) The Settlement Report, together with objections, if any, received thereon shall be laid before each House of the State Legislature, and after both Houses approve the Report with or without any modification by a resolution moved in this behalf, the State Government shall pass orders in conformity with such resolution:

Provided that no increase in the standard rates proposed in the Settlement Report shall be made unless a fresh notice as provided in section 119 has been published in each village affected by such rates, and after considering the objections, if any, received, such rates are approved by a resolution moved in this behalf by both Houses of the State Legislature.

(2) The orders passed by the State Government under sub-section (1) shall be final and shall not be called in question in any Court.

122. *Introduction of settlement.*—After the State Government has passed orders under section 121 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the State Government may direct:

Provided that in the year in the course of which a survey settlement, whether original or revised, may be introduced under this section, the revised assessment shall be levied only from the next following year.

* * * *

124. *The fixing of assessment under Act limited to ordinary land revenue.*—The fixing of the assessment under the provisions of this Act shall be limited to the assessment

of the ordinary land revenue and such fixation shall not preclude the levy of any rate for the use of water or of any cess, which may be imposed under any law for the time in force.

125. *Power of State Government to direct assessment for irrigation facilities.*—Notwithstanding anything contained in htis Chapter the State Government may direct at the time of passing order under sub-section (1) of section 121 that any land in respect of which a settlement is made under this Chapter, shall be liable to be assessed to additional land revenue during the term of settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the State Government has directed the settlement under section 114, and not affected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no water rate in respect of such additional advantage is levied under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957):

Provided that the State Government shall, before making such direction publish a notice in this behalf in the village concerned in Kannada and in such language of the village, if any, as may be directed by the State Government in this behalf, and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be made until after the expiry of the period of six months from the date of publication of such notice.

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PART IV-2-A

BANGALORE, TUESDAY, OCTOBER 12, 1965 (ASVINA 20, SAKA ERA 1887) | No. 192A

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 10161 L.A., Bangalore-1, dated 12th October 1965

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Bangalore Water Supply and Sewerage (Amendment) Bill, 1965,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

The Bangalore Water Supply and Sewerage (Amendment) Bill, 1965

A Bill to amend the Bangalore Water Supply and Sewerage Act, 1964.

WHEREAS it is expedient to amend the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called the Bangalore Water Supply and Sewerage (Amendment) Act, 1965.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964) (hereinafter referred to as the principal Act),—

(1) after clause (3), the following clause shall be inserted, namely :—

" (3A) " bye-laws " means bye-laws made by the Board under this Act ";

(2) in clause (11), the words, " by the State Government " shall be omitted.

3. *Amendment of section 3.*—In clause (*b*) of sub-section (3) of section 3 of the principal Act, for the words " a public health engineer with wide experience ", the words " a person with wide experience of civil engineering works preferably in the field of public health engineering with reference to water supply, sewerage and sewage disposal and industrial wastes " shall be substituted.

4. *Amendment of section* 5.—In section 5 of the principal Act,—

(1) for the marginal heading, the following heading shall be substituted, namely :—

"*Disqualification for becoming a member of the Board.*" ;

(2) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) A person shall be disqualified for being appointed as a member of the Board and for being a member thereof, if, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the Board, or in any contract or employment with or under, or by or on behalf of, the Board."

(3) in sub-section (2), for the words, figure and brackets "other than a firm or company mentioned in sub-section (1)" shall be omitted.

5. *Amendment of section* 6.—In section 6 of the principal Act—

(1) for clause (*c*) of sub-section (1), the following clause shall be substituted, namely :—

"(*c*) becomes subject to any disqualification specified in sub-section (1) of section 5".

(2) in sub-section (5), for the words "the directions issued by the State Government under this Act", the words and figures "the directions issued by the State Government under section 89" shall be substituted.

6. *Amendment of section* 7.—In sub-section (1) of section 7 of the principal Act, the words, figures and brackets "sub-clause (iii) of" shall be omitted.

7. *Amendment of section* 12.—In the proviso to section 12 of the principal Act, for the words "subject to the approval of", the words "made after consultation with" shall be substituted.

8. *Amendment of section* 13.—In section 13 of the principal Act, for the words "consulting public health engineers" in the two places where they occur, the word "consultants" shall be substituted, and for the word "rules", the word "regulations" shall be substituted.

9. *Amendment of section* 15.—In sub-section (2) of section 15 of the principal Act,—

(1) in clauses (*b*) and (*c*) , the words "approved by the State Government" shall be omitted ;

(2) after clause (*c*), the following proviso shall inserted, namely :—

"Provided that no scheme under clause (*b*) or (*c*) estimated to cost more than a crore of rupees shall be carried out by the Board except with the approval of the State Government."

10. *Substitution of new section for section* 16.—For section 16 of the principal Act, the following section shall be and shall always be deemed to have been substituted, namely :—

"16. *General principles for Board's finance*.—(1) For carrying on its operations under this Act, the Board shall levy rates, fees, rentals and other charges, and shall vary such rates, fees, rentals and other charges from time to time in order to provide sufficient revenue,—

(*a*) to cover operating expenses, taxes and interest payments and to provide for adequate maintenance and depreciation ;

(*b*) to meet repayments of loans and other borrowings ;

(c) to finance normal year to year improvements ; and

(*d*) to provide for such other purposes beneficial to the promotion of water supply and disposal of sewage in the Bangalore Metropolitan Area as the Board may determine.

(2) No part of the revenues of the Board, after meeting the expenses referred to in clauses (*a*), (*b*) and (c) of sub-section (1) shall be used to augment the reserves of the Board other than the reserves referred to in sections 24 and 24-A or for the general purposes of the Board including expenses. in connection with capital works, other than improvement works ".

11. *Amendment of section* 17.—In sub-section (1) of section 17 of the principal Act, for the word " rules ", the word " regulations " shall be substituted.

12. *Amendment of section* 18.—In sub-section (1) of section 18 of the principal Act,—

(1) for the words " twenty-five thousand rupees ", the words " one lakh of rupees " shall be substituted ;

(2) for the words " one lakh of rupees ", the words " five lakhs of rupees " shall be substituted.

13. *Omission of section* 23.—Section 23 of the principal Act shall be omitted

14. *Amendment of section 24.*—In section 24 of the principal Act,—

(1) in sub-section (1), the words and figures " as far as compliance with the provisions of section 23 makes it practicable " shall be omitted ;

(2) in sub-section (2),—

(i) in the first proviso, for the word " rules ", the word " regulations " shall be substituted ; and

(ii) the second and third provisos shall be omitted.

15. *Insertion of new sections 24-A and 24-B.—After* section 24 of the principal Act, the following sections shall be and shall always be deemed to have been inserted, namely :—

" 24A. *Improvement reserve.*—The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenue such percentage of the balance remaining after meeting its operating, maintenance and management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings, as the Board may determine, taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage disposal services in the Bangalore Metropolitan Area.

24B. *Payment of interest to Government.*—In respect of assets of the Government which vest in the Board by virtue of the provisions of this Act, the Board shall pay interest on the cost of such assets at such rate as may, from time to time, be fixed by the Government in consultation with the Board, and such interest shall be deemed to be a part of the expenditure of the Board "

16. *Amendment of section* 25.—In section 25 of the principal Act,—

(1) in sub-section (1), for the word "rules" the word "regulations" shall be substituted ;

(2) in sub-section (5), for the word "rules", the word "regulations" shall be substituted.

17. *Amendment of section* 26.—In section 26 of the principal Act, for the words "City of Bangalore", the words "Bangalore Metropolitan Area" shall be substituted.

18. *Amendment of section* 44.—In section 44 of the principal Act,—

(1) in sub-section (2), after the words "Board shall", the words "if in its opinion there is no objection" shall be inserted ;

(2) in the proviso to sub-section (3), for the words "under the provisions of this section the Board lays", the words "the Board considers it necessary to lay a main" shall be substituted.

19. *Amendment of section* 47.—In section 47 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The cost of meters, the expense of their installation, and the rent payable for use of meters, shall be such as may be prescribed by regulations, and shall be paid by the owner of the premises." ;

(2) for sub-section (3), the following sub-clause shall be substituted, namely :—

"(3) The use, maintenance and testing of meters shall be regulated by bye-laws made in this behalf."

20. *Substitution of new sections* 61 *and* 61A *for section* 61.—For section 61 of the principal Act, the following sections shall be substituted, namely :—

"61. *Regulations regarding water supply.*—(1) The Board may, with the previous approval of the State Government, make regulations to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for,—

(*a*) the power of the Board,—

(i) to stop the supply of water, whether for domestic purpose or not, or for gratuitous use ; and

(ii) to prohibit the sale and use of water for the purpose of business ;

(*b*) the power of the Board to take charge of private connections ;

(c) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters ;

(*d*) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.

61A. *Bye-laws regarding water supply.*—Subject to the provisions of rules and regulations, the Board may after previous publication, make bye-laws to provide for,—

(*a*) the connection of supply pipes for conveying to any premises a supply of water from Board Water Works;

(*b*) the making and renewing connections with Board Water Works;

(*c*) the power of the Board to alter the position of connections;

(*d*) the equitable distribution of water supplied to occupiers;

(*e*) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board Water Works and the stamping of pipes and fittings and fees for such stamping;

(*f*) the size, material, quality and description of pipes, cisterns, and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;

(*g*) the provision and maintenance of meters when water is supplied by measurement;

(*h*) the maintenance of pipes, cisterns and other water works."

21. *Amendment of section* 65.—In clause (b) of sub-section (1) of section 65 of the principal Act, for the words "a temperature higher than forty-five degrees centigrade", the words "such temperature as may be specified by notification by the Board" shall be substituted.

22. *Amendment of section* 74.—In section 74 of the principal Act, in the second proviso, for the words "so treated as not to affect prejudicially the purity and quality of the water into which it is discharged", the word "treated in such manner as may be prescribed in the bye-laws made in this behalf", shall be substituted.

23. *Amendment of section* 84.—For sub-section (2) of section 84 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) In particular and without prejudice to the foregoing provision, such regulations may provide for the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluent into Board sewers and disposal thereof".

24. *Insertion of new section* 84A.—After section 84 of the principal Act, the following section shall be inserted, namely :—

"84A. *Bye-laws regarding sewerage.*—(1) Subject to the provisions of rules and regulations, the Board may after previous publication make bye-laws to provide for—

(*a*) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter polluted water or other polluted and obnoxious matter into sewers ;

(*b*) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works ;

(*c*) the cleansing of sewers ;

(*d*) the prohibition of erection of buildings over sewers without the permission of the Board ;

(*e*) the connection of private drains with Board sewers ;

(*f*) the location and construction of cesspools ;

(*g*) the covering and ventilation of cesspools ;

(*h*) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers ;

(i) the exclusion from trade effluent of all condensing matter ;

(*j*) the elimination from trade effluent, before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers ;

(*k*) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers ;

(*l*) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge ;

(*m*) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises ;

(*n*) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters."

25. *Amendment of section* 86.—In section 86 of the principal Act,—

(1) in sub-section (2), for the word "rules", the word "regulations" shall be substituted ;

(2) in sub-section (3), the words, "as may be prescribed by the rules or" shall be omitted.

26. *Amendment of section* 88.—In sub-section (1) of section 88 of the principal Act, for clause (d) the following clause shall be substituted, namely :—

"(d) the fine which may be imposed for the breach of any bye-law, which may extend to one hundred rupees, and in case of continuing breach with an additional fine which may extend to ten rupees for every day, during which the breach continues after receipt of a notice from the Board to discontinue the breach."

27. *Amendment of section* 89.—In section 89 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that such direction shall be given after consultation with the Board".

28. *Amendment of section* 109.—In section 109 of the principal Act, after the word "regulation" in the two places where it occurs, the words "or bye-law" shall be inserted.

29. *Continuation of rules and regulations.*—Notwithstanding anything contained in the principal Act, as amended by this Act, all rules and regulations in force at the commencement of this Act shall continue to be valid, but any such rule, or regulation may be cancelled or altered by a rule, regulation or bye-law, as the case may be, made under the relevant provision of the principal Act amended by this Act.

Statement of Objects and Reasons

At present the Bangalore Water Supply and Sewerage Board maintains the water supply and sewerage system in Bangalore and it will shortly embark upon large scale developments in connection with the long range Water Supply and Sewerage Project involving very heavy financial commitments. In order to effectively carry out the functions and responsibilities entrusted to it, the Board will have to be given a larger measures of autonomy than is now contemplated by the Bangalore Water Supply and Sewerage Act, 1964. It is also considered that the accounting system of the Board should be based on commercial principles in order to provide information required by an undertaking of this character, with provision for depreciation as a charge against revenues every year. Statutory provision is necessary to enable the Board to pay to Government interest on the value of the assets transferred to it by the Government. Certain other minor amendments to improve the working of the Board are also found desirable. Hence this Bill.

R. M. PATIL,

T. HANUMANTHAPPA,
Secretary.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, TUESDAY, OCT. 12, 1965
(ASVIJA 20, SAKA ERA 1887). | No. 193

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 10160/L. A., dated Bangalore-1, 12th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Channarayapatna Town Municipality (Alteration of Limits) Validation Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE CHANNARAYAPATNA TOWN MUNICIPALITY (ALTERATION OF LIMITS) VALIDATION BILL, 1965.

A Bill to validate the alteration of the limits of Channarayapatna Town Municipality

WHEREAS in pursuance of the powers conferred by sub-section (1) of section 7 of the Mysore Town Municipalities Act, 1951 (Mysore Act 22 of 1951), the proposals to alter the limits of Channarayapatna Town Municipality were notified in Notification No. L. 6103/ML 58—51-2, dated the 3rd/7th September 1951, annexed to the Schedule ;

AND WHEREAS the area comprised within the limits indicated in the said notification of the 3rd/7th September 1951 is being administered as forming the altered limits of the said municipality ;

AND WHEREAS it is deemed expedient to validate the said alteration of the limits of the said municipality ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short Title :—This Act may be called the Channarayapatna Town Municipality (Alteration of Limits) Validation Act, 1965.

2. Definitions :—In this Act,—

(*a*) " Notification " means Notification No. L. 6103/ ML-58-51-2, dated the 3rd/7th September 1951 annexed to the Schedule ;

(*b*) " Schedule " means the Schedule to this Act.

3. Validation of alteration of limits of the Channarayapatna Town Municipality :—(1)Notwithstanding anything contained in the Mysore Town Municipalities Act, 1951 (Mysore Act 22 of 1951) (hereinafter referred to as the said Act), the limits of the Channarayapatna Town Municipality (hereinafter referred to as the said municipality) shall, with effect from the seventh day of September 1951, be deemed to have been validly altered as indicated in the notification and the said alteration of the limits of the said municipality shall not be called in question merely on the ground that it was not altered in accordance with the procedure laid down in section 7 of the said Act.

(2) Notwithstanding anything contained in the said Act or any other law anything done or any action taken (including any appointment, rule, order or bye-law made, notification or notice issued, taxes and rates imposed or collected, contracts entered into and suits and other proceedings instituted)by the Channarayapatna Town Municipal Council or any other authority authorised by it under the said Act in respect of any area which is deemed to have been included within the altered limits of the said municipality shall be deemed to have been done or taken as if the said Act was in force in the said area and the said area was within the limits of the said municipality; and any such thing done or action taken which, but for the provisions of this Act, would have been invalid shall be and shall always be deemed to have been valid as if the said area had been included within the limits of the said municipality and shall not be called in question merely on the ground that the limits have not been altered in accordance with the provisions of the said Act, when such thing was done or action taken.

SCHEDULE

NOTIFICATION.

No. L 6103/*M L.* 58-51-2, *dated Bangalore,*
3rd/7th September 1951.

Under Section 7 (1) of the Town Municipalities, Act, 1951 (Mysore Act XXII of 1951) it is hereby notified that it is proposed to alter, as noted below, the limits of Channarayapatna Municipality.

Any person objecting to the above proposal may send his objections with the reasons therefor in writing to the Commissioner, Local Self-Government in Mysore, Bangalore, within two months from the date of this notification. Objections received after the expiry of this period will not be considered. The revised municipal boundary of the Channarayapatna Town Municipality will be as follows :—

The boundary will start from the existing boundary stone from the north of Channarayapatna Town in Bagur Road and runs down to the east and will take a turn towards south in survey No. 20 of Guranahalli Village and turns from the edge of the tank towards south and passes through survey No. 21 of Guranahalli Village and will take a turn towards east of survey No. 4, 5, 6 and 8 of Channarayapatna and towards west and passes through the tank wasteweir and will take a turn towards east of survey nos. 36, 38, 39, 40, 41, 42, 43, 44, 45, 50, 59 and 60 of Channarayapatna and will join the existing boundary stone in Bangalore—Mangalore Road. Again it proceeds towards east upto Pirangi Mata and turns towards south of survey nos. 61, 62 of Channarayapatna and crosses survey no. 64 of Channarayapatna and turns towards south and will join the Sravanabelagola Road and the boundary stone will have to be fixed at Bindenahalli Gate Pillar in south—east corner of Channarayapatna. Then it turns towards west and proceeds

upto survey no. 72 of Channarayapatna and turns towards south of survey nos. 72, 73 and 74 of Channarayapatna and again joins the existing boundary stone in Bangalore—Mangalore Road. Then it turns towards the south of survey nos. 76, 77, 78, 79 and 80 of Channarayapatna and the road corner of Devasthanada Kalenahalli Village and turns towards west and proceeds upto survey no. 108 and turns towards south of survey no. 108 of Channarayapatna and turns to west and proceeds upto survey no. 111 and will turn to south—west corner of survey no. 111 of Channarayapatna and proceeds upto survey no. 107 and turns towards south of survey no. 107 and proceeds upto survey no. 113 again turns towards west upto survey no. 123 and turns towards south of survey no. 123 and turns towards the south of proposed A. K. Colony and turns towards west upto survey no. 117 and turns to north of survey no. 117 and proceeds upto survey no. 122 and takes a turn towards south of survey No. 122 and joins the Mysore Road. The boundary stone will have to be fixed at the south—west corner of survey no. 118. Then it straight proceeds towards north in Mysore Road and turns to east of Survey No. 90 of Nagasamudra Village and turns towards north upto survey no. 74 and turns towards west of survey nos. 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 of Nagasamudra Village and proceeds upto survey no. 173 and turns towards north—west corner of Survey No. 173 of Channarayapatna and crosses the Bangalore—Mangalore Road and cuts Survey Nos. 173 and 174. The boundary stone will have to be fixed on eastern side of the road at Survey No. 175, *i.e.*, near the 92 mile of Bangalore—Mangalore Road. Then it proceeds towards north upto Survey No. 175 and turns towards North—East of Survey No. 175 and will turn to west of survey nos. 177 and 178 and again takes a turn towards north of survey nos. 178 and 184 and proceeds upto survey no. 183 and turns towards south—east of survey no. 183 and proceeds towards north and it goes towards north-east corner of survey no. 183 and passes through in middle of

survey no. 25 of Guranhalli Village and turns towards north of survey no. 24 upto the end and again turns towards the east and joins the boundary stone in Bagur Road.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

L. S. G. Secretary to Government,

STATEMENT OF OBJECTS AND REASONS.

Government had issued a preliminary notification under section 7(1) of the Mysore Town Municipalties Act, 1951 (Mysore Act XXII of 1951) under No. L. 6103/ ML-58-51-2, dated 3rd/7th September, 1961, calling for objections within two months from the date of notification for altering the limits of Channarayapatna Town Municipality in Hassan District. But no final notification has so far been issued after considering the objections, if any, received. But the area proposed to be so included within the limits of Channarayapatna Municipality has been treated as part of the municipality and municipal taxes are being levied there. It is, therefore, necessary to validate alteration of the limits of, and all action taken by, the municipality in respect of the area included.

Hence this Bill.

R. M. Patil

T. HANUMANTHAPPA,
Secretary,

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PART IV—2-A

BANGALORE, MONDAY, OCTOBER 11, 1965
(ASVIJA 19, SAKA ERA 1887).

No. 186

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 10121/L.A., Bangalore-1, dated 11th October 1965.

The Report of the Select Committee on the **Mysore Cattle Trespass Bill, 1965**, as passed by the Legislative Council and the Bill as reported by the Select Committee and as presented to the Legislative Assembly are hereby published.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE CATTLE TRESPASS BILL, 1963.

(As passed by the Legislative Council).

Composition of the Select Committee.

Sriyuths.—

1. Ramakrishna Hegde, *Minister for Development, Co-operation and Panchayat Raj (Chairman) up to July 1965.*
2. M. V. Rama Rao, *Minister for Law (up to July 1965.)*
3. R. M. Patil, *Minister for Municipal Administration, Development and Panchayat Raj (Chairman) (from July 1965).*
4. S. Nijalingappa, *Chief Minister (from July 1965).*
5. S. P. Bhayade.
6. M. Y. Ghorpade.
7. M. R. Patil.
8. B. J. Linge Gowda.
9. S. S. Patil.
10. S. M. Guraddi.
11. G. N. Desai.
12. A. P. Appanna.
13. Smt. Champabai Bhogale.

Secretariat

Sriyuths—

G. S. Venkataramana Iyer (*Secretary*).
(Till 1 th March 1965).

T Hanumanthappa (*Secretary*).
(From 19th March 1965).

K. S. Thimmappa Gowda (*Deputy Secretary*).

V B. Deshmukh (*Under Secretary*).

REPORT OF THE SELECT COMMITTEE ON THE MYSORE CATTLE TRESPASS BILL, 1965.

(*Presented on 11th October 1965.*)

The Select Committee to consider the Mysore Cattle Trespass Bill, 1963, as passed by the Legislative Council has the honour to make this report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette*, on the 25th August 1960.

3. The Bill was introduced in the Legislative Council on 9th September 1963. The Council discussed the motion for consideration on 21st September 1963. The Bill was discussed and passed in the Council on the same day and transmitted to the Legislative Assembly on 24th September 1963.

4. The Legislative Assembly discussed the motion for consideration on 4th October 1963 and the motion for reference of the Bill to the Select Committee (*vide* Appendix I) as moved and adopted in the Assembly on the same day.

5. The Committee held its sittings on 17th February 1964, 14th July 1965 and 20th September 1965.

6. The Committee considered the report on 20th September 1965 and adopted it on the same day.

7. The important changes made in the Bill are detailed in the succeeding paragraphs.

8. *Clause 2, Item* (c)—The Committee consider that the definition of "local authority" should clearly specify the authorities. The definition has accordingly been amended.

9. *Clause 5.*—As pounds are established for areas other than villages it is necessary to empower the District Magistrate to appoint pound-keepers for such pounds. A sub-clause has therefore been added in this clause.

10. *Clause 9.*—The Committee are of the opinion that the police should aid not merely when there is resistance to seizure but also when there is likelihood of resistance. The clause has accordingly been amended.

11. *Clause 13 (new clause).*—The Committee are of the opinion that a provision should be made that security should be taken in respect of impounded cattle from the owner of such cattlte, the amount of security being determined by the State Government by rules. Provisions should also be made that if within a period of six months from the date on which the security is deposited any cattle belonging to such owner are impounded the amount deposited as security or any part thereof should stand forfeited to the Government. But if the cattle are not again impounded the amount of security should be refunded to the owner on the expiry of a period of six months. Clause 13 has accordingly been inserted.

12. *Clause 14 (new clause).*—The Committee consider that a provision should be made providing for the removal of cattle from a village where the grazing land set apart for the use of cattle in a village is insufficient for the cattle belonging to the permanent residents of such village or the crops or grass standing on any agricultural land set apart for the village are likely to be damaged by cattle belonging to persons who are not residents of such village and who own more than twenty heads of cattle. Clause 14 has accordingly been inserted.

13. *Clause 15 (original clause* 13) (1) *sub-clause* (1).—The Committee are of the opinion that in the case of sheep also the claim should be made within three days from the date of their impounding.

(2) Sub-clause (3).—The Committee consider that it is only when the bid offered at the public auction is not a fair price that the cattle may be disposed of in any other manner. The proviso to the sub-clause has accordingly been modified.

14. *Clause 18 (original clause 16) sub-clause 2* (2).—[*new sub-clause*] :—The Committee are of the opinion that the surplus unclaimed proceeds of sale of cattle should be credited to the funds of the local authority within whose jurisdiction the cattle pound is located. The sub-clause has accordingly been amended.

15. *Clause 25* (original clause *24*) (1) sub-clause (1).—The Committee are of the opinion that sub-clause (1) may be made applicable to cattle in general instead of confining it to pigs and that the maximum amount of fine may be raised from rupees ten to rupees fifty. The sub-clause has been accordingly amended.

(2) Sub-clause (4).—The Committee are of the opinion that in the areas specified in the notification referred to in this sub-clause, the penalty for damage caused to land, etc, should be imprisonment of either description for a period not exceeding three months or fine not exceeding rupees five hundred or both. The sub-clause has been amended accordingly.

The Committee are also of the opinion that the provisions of clause 23 should appropriately occur after the provisions of clause 24. The clauses have therefore been renumbered.

16. *Clause 26* (original clause *23*)—The Committee consider that in respect of the offence of mischief by causing cattle to trespass on any land a reference may be made to section 426 of the Indian Penal Code. The clause has accordingly been amended.

17. The other amendments made in the Bill are either consequential or intended to improve the wording.

18. The Bill as amended by the Select Committee is appended.

R. M. PATIL,
Chairman,
Select Committee.

Bangalore—1,
Dated 20th September 1965

T. HANUMANTHAPPA,
Secretary.

APPENDIX I

(Vide *Para 4 of the Report.*)

Motion in the Legislative Assembly for reference of the Bill to a Select Committee.

"That the Mysore Cattle Trespass Bill, 1963, as passed by the egislative Council be referred to a Select Committee consisting of the following members :—

Sriyuths—

1. S. P. Phayade.
2. M. Y. Ghorpade.
3. M. R. Patil.
4. B. J. Linge Gowda.
5. S. S. Patil.
6. S. M. Guraddi.
7. G. N. Desai.
8. A. P. Appanna.
9. Smt. Champabai Bhogale."

THE MYSORE CATTLE TRESPASS BILL, 1965.

Arrangement of Clauses.

Preamble.

CHAPTER I

PRELIMINARY.

Clauses

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

POUNDS AND POUND-KEEPERS

3. Establishment of pounds.
4. Control of pounds and charge for feeding and watering cattle.
5. Appointment of pound-keepers.
6. Duties of pound-keepers.

CHAPTER III

IMPOUNDING CATTLE

7. Seizure of cattle damaging lands.
8. Cattle damaging public roads, canals, embankments, etc
9. Police to aid seizures.
10. Fines for cattle impounded.
11. List of fines and charges for feeding.

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DELIVERY OR SALE OF CATTLE

12. Procedure when owner claims the cattle and pays fines and charges.
13 Secuity in respect of inpounded cattle.
14. Removal of cattle to specified places.
15. Procedure if cattle be not claimed within seven days.
16. Delivery to owner disputing legality of seizure but making deposit.

17. Procedure when owner refuses or omits to pay the fines and charges.
18. Disposal of fines, expenses and surplus proceeds of sale.
19. Officers and pound-keepers not to purchase cattle at sales under the Act.

CHAPTER V

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

20. Power to make complaints.
21. Procedure on complaint.
22. Compensation for illegal seizure.
23. Recovery of compensation.

CHAPTER VI

PENALTIES

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.
25. Penalty for damage caused to land or crops or public roads by cattle.
26. Recovery of penalty for mischief committed by causing cattle to trespass.
27. Penalty on pound-keeper failing to perform duties.
28. Application of fines recovered under section 25, 26 or 27.

CHAPTER VII

MISCELLANEOUS

29. Saving of right to sue for compensation.
30. Power of State Government to authorise local authorities to exercise powers under the Act.
31. Power to make rules.
32. Notifications and rules to be laid before State Legislature.
33. Repeal and savings.

[As reported by the Select Committee]

(Words underlined or side lined indicate the amendments suggested by the Committee ; omissions are indicated by asterisks.)

THE MYSORE CATTLE TRESPASS BILL, 1965.

Bill to provide for the impounding of cattle damaging land or other property and for matters connected therewith.

Whereas it is expedient to provide for the impounding of cattle damaging land or other property and for matters connected therewith ;

Be it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Cattle Trespass Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the Acts repealed by section 31 is in force ; and shall come into force in such other area on such date as the State Government may, by notification, specify :

Provided that the State Government may, by notification, direct that it shall cease to be in force in any area from such date as may be specified in such notification, and thereupon section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899) shall be applicable as if this Act had been repealed in such area from the said date by a Mysore Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids ;

(*b*) "District Magistrate" means the Deputy Commissioner of the district exercising the powers of a District Magistrate; *

* * * * *

(*c*) "Local Authority" means a Municipal Corporation, Municipal Council, Notified Area Committee, Sanitary Board, Cantonment Board or Village or Town Panchayat for the time being invested by law with the control and administration of any matters within a specified local area;

(*d*) "local fund" means any fund under the control or management of a local authority;

(*e*) "notification" means a notification published in the official Gazette;

(*f*) "officer of police" includes a police patel and a member of the village police;

(*g*) "prescribed" means prescribed by rules made under this Act.

CHAPTER II.

POUNDS AND POUND-KEEPERS.

3. Establishment of pounds.—(1) Subject to the general or special orders of the State Government, pounds shall be established at such places as the District Magistrate may, from time to time, direct.

(2) The District Magistrate shall determine, by notification, for each pound established, the village or area or villages or areas which are entitled to use such pound.

4. Control of pounds and charge for feeding and watering cattle.—The pounds established under section 3 shall be under the control the District Magistrate who shall fix, from time to time, by notification, the rates of charge for feeding and watering the impounded cattle.

5. Appointment of pound-keepers.—(1) *The District Magistrate shall appoint any police patel of a village entitled under a notification*

under sub-section (2) *of section* 3, *to use the pound, as the pound-keeper for such pound* :

Provided that where it is deemed necessary the District Magistrate shall appoint a person other than such police patel as the pound-keeper of such pound.

(2) *The District Magistrate shall appoint such person as he deems fit as the pound-keeper for any pound established for any area or areas other than a village or villages.*

(3) Every pound-keeper appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

6. Duties of pound-keepers.—(1) Every pound-keeper shall keep such registers and furnish such returns as may be prescribed.

(2) When cattle are brought to a pound, the pound-keeper shall enter in a register maintained for the purpose—

(*a*) the number and description of the animals ;

(*b*) the day and the hour at which they were brought ;

(*c*) the name and residence of the person seizing or causing the seizure of the cattle ; and

(*d*) the name and residence of the owner, if known.

(3) The pound-keeper shall give the person seizing, or causing the seizure of, the cattle or his agent a copy of the entry made under sub-section (2).

(4) The pound-keeper shall take charge of * the cattle and provide them with sufficient food and water until they are disposed of in accordance with the provisions of this Act.

CHAPTER III.

IMPOUNDING CATTLE.

7. Seizure of cattle damaging land.—(1) Any person authorised by the State Government in this behalf, or any member of the watch and ward staff of a village or Town panchayat, may seize or cause to be seized any cattle trespassing on any land in a village and doing damage to such land or to any crop or produce thereon.

(2) (i) The cultivator or occupier of any land, or

(ii) any person who has advanced money for the cultivation of the crop or produce of any land, or

(iii) the vendee or the mortgagee of the crop or produce o any land or of any part of such crop or produce,

may seize or cause to be seized any cattle trespassing on such land and doing damage thereto or to any crop or produce thereon.

(3) Cattle seized or caused to be seized under sub-section (1) or (2) shall be sent within twenty-four hours of the seizure to the pound established for the village or area in which the land is situated or such other pound as the District Magistrate may specify in this behalf.

8. Cattle damaging public roads, canals, embankments, etc.—Whenever any cattle are found straying on or doing damage to public roads, parks, pleasure grounds, orchards, plantations, canals, drainage works, embankments, or the sides or slopes of such roads, parks, grounds, orchards, plantations, canals, drainage works and embankments and the like, persons in charge of such roads, parks, grounds, orchards, plantations, canals, drainage works, embankments and the like, or any officer of police, may seize or cause to be seized such cattle and shall send them or cause them to be sent within twenty-four hours of the seizure to the nearest pound.

9. Police to aid seizures.—Whenever there is resistance or likelihood of resistance to a seizure under section 7 or 8 or the likelihood of the cattle seized being attempted to be rescued from persons making such seizure, the person seizing or causing the seizure of the cattle may require the aid of the police in preventing such resistance or rescue and any officer of police shall, when so required, render the aid necessary.

10. Fines for cattle impounded.—(1) For every cattle impounded under this Act, the pound-keeper shall levy a fine in accordance with the scale for the time being fixed by notification by the State Government in this behalf and the State Government may fix different

scales for different areas of the State in which the pounds are located :

Provided that it shall be lawful for the State Government to fix progressively increasing scales in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded.

(2) All fines levied under sub-section (1) shall be sent by the pound-keeper to the District Magistrate, in the manner prescribed.

11. List of fines and charges for feeding.—A list containing the scale of fines fixed under section 10 in respect of the area in which a pound is located and of the rates of charges for feeding and watering cattle in such pound fixed under section 4 shall be displayed in a conspicuous place in or near such pound.

CHAPTER IV.

Delivery or Sale of Cattle.

12. Procedure when owner claims the cattle and pays fines and charges.—(1) If the owner of the impounded cattle, or his agent, appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the fines fixed and the charges payable in respect of such cattle.

(2) The owner or his agent on taking back his cattle, shall sign in the register maintained by the pound-keeper, acknowledging the receipt of the cattle.

13. Security in respect of impounded cattle.—(1) In any local area to which the State Government may, by notification in the official Gazette, apply this section, every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the form to be prescribed by the State Government, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules made in this behalf, shall stand forfeited to the State overnment. If cattle are not impounded as aforesaid, the amount of security shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.

14. Removal of cattle to specified places.—(1) If in any local area to which the State Government may, by notification in the o 'cial Gazette, apply this section, the Tahsildar, is satisfied—

(i) that the grazing land set apart for the use of cattle of one or more villages in the taluk, under his jurisdiction is insufficient for the cattle belonging to the permanent residents of such village or villages; or

(ii) that the crops or grass standing on any agricultural land so set apart are likely to be damaged by cattle belonging to persons who are not residents of such villages and who own more than twenty heads of cattle,

he may,

(*a*) in any case referred to in clause (i) direct any such resident owner, by special or general order, to remove or cause to be removed all or any dry or useless cattle belonging to him to such place or places within the State and within such period as may be specified in the order, and

(*b*) in any case referred to in clause (ii) direct any such non-resident owner, by special or general order, to remove or cause to be removed all or any of his cattle to such place or places within the State and within such period as may be specified in the order.

(2) If the owner of the cattle fails to remove the cattle as directed under sub-section (1), the Tahsildar may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order.

(3) If the Tahsildar is satisfied that the order issued by him under sub-section (1) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding one thousand rupees. Any fine so imposed may, on failure of such owner or keeper to pay the same within the specified time, be recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).

15. Procedure if cattle be not claimed within seven days.—(1) If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police station, or to such officer as the District Magistrate appoints in this behalf :

Provided that in the case of asses or sheep the claim shall be made within three days from the date of their impounding.

(2) On receipt of a report under sub-section (1), the officer concerned shall display in a conspicuous part of his office a notice stating—

(*a*) the number and description of the cattle ;

(*b*) the place where they were seized ;

(*c*) the place where they were impounded ;

and shall cause proclamation of the same to be made by beat of drum in the village or area and at the market place near the place of seizure.

(3) If the cattle be not claimed within seven days, or within three days in the case of asses, from the date of notice under sub-section (2), they shall be sold by public auction by the said officer or an officer of his establishment deputed for that purpose at such place and time and subject to such conditions as the District Magistrate by general or special order from time to time directs :

Provided that if the bid of any person for any cattle at a public auction is, in the opinion of the officer authorised to sell them, not a fair price, he may reject the bid, and may dispose of the cattle in such manner as he thinks fit.

16. Delivery to owner disputing legality of seizure but making deposit.—(1) If the owner of the impounded cattle or his agent appears before the pound-keeper and refuses to pay the fines and charges payable in respect of the cattle under sub-section (1) of section 12, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 18, then, upon the deposit of the fines and charges payable in respect of the cattle, the cattle shall be delivered to him.

(2) If on any complaint referred to in sub-section (1), the seizure is declared to be lawful or if the owner or his agent fails to make such complaint within a period of four weeks from the date of delivery of the cattle to him, the pound-keeper shall require such owner or agent to make a declaration and to deposit the amount of security as required by section 13. If the owner or his agent fails to make such declaration or to deposit such amount the cattle delivered to him under sub-section (1) shall be seized again for the purposes of section 17.

17. Procedure when owner refuses or omits to pay the fines and charges.—(1) If the owner or his agent appears before the pound-keeper and refuses or omits to pay the said fines and charges and to deposit the said amount of security (or in the case mentioned in section 16) to deposit the said fines, expenses and amount of security or to make a declaration as required by section 13, the cattle, or as many of them as may be necessary, shall be sold *
by such officer, at such place and time, and subject to such conditions as are referred to in section 15.

(2) The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, and the amount of security prescribed under section 13 shall be deducted from the proceeds of the sale.

(3) The remaining cattle and the balance of the purchase money, if any, shall be delivered to the owner or his agent together with an account showing—

(*a*) the number of cattle seized;

(*b*) the time during which they have been impounded;

(*c*) the amount of fine and charges payable;

(*d*) the number of cattle sold;

(*e*) the proceeds of sale; and

(*f*) the manner in which the said proceeds have been disposed of.

(4) The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase money, if any, paid to him according to such account.

18. Disposal of fines, expenses and surplus proceeds of sale.—(1) The officer by whom the sale is held shall send to the District Magistrate the fines deducted under sub-section (2) of section 17.

(2) The fines levied under sub-section (1) of section 10 and the fines deducted under sub-section (2) of section 18 shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located.

(3) The charges for feeding and watering deducted under section 15 shall be paid over to the pound-keeper who shall also retain and appropriate all sums received by him on account of such charges under section 12.

(4) The amount of security required under section 13 shall be deposited with the pound-keeper.

(5) The surplus unclaimed proceeds of sale of cattle shall be sent to the District Magistrate who shall hold them in deposit for a period of six months and, if no claim thereto is preferred and established within that period such proceeds shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located and no suit shall lie for the recovery of any sum so credited.

19. Officers and pound-keepers not to purchase cattle at sales under the Act.—(1) No officer of police, or other officer or pound-keeper appointed or authorised to perform any function under this Act shall directly or indirectly, purchase any cattle at a sale under this Act.

(2) No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the provisions of this chapter unless such release or delivery is ordered by a competent court of law.

CHAPTER V.

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

20. Power to make complaints.—Any person whose cattle has been seized under this Act, or having been so seized have been detained in contravention of this Act, may at any time within ten days from the date of the seizure, make a complaint to any magistrate authorised to receive and try charges.

21. Procedure on complaint.—(1) The complaint shall be made either in writing or verbally by the complainant in person or by an agent personally acquainted with the circumstances:

Provided that if it is made verbally, the substance of it shall be taken down in writing by the magistrate.

(2) If the magistrate on examining the complainant or his agent has reason to believe the complaint to be well founded, he shall summon the person complained against and make an enquiry into the case.

22. Compensation for illegal seizure.—If the seizure or detention be adjudged illegal, the magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle:

Provided that if the cattle have not been released, the magistrate shall, besides ordering such compensation, order their release and direct that the fines and charges leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. Recovery of compensation.—The compensation, fines and charges mentioned in section 22 may be recovered as if they were fines imposed by the magistrate.

CHAPTER VI.

PENALTIES.

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.— Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred under this Act, shall, on conviction, be punished with imprisonment for a period which may extend to six months or with fine which may extend to five hundred rupees or with both.

25. Penalty for damage caused to land or crops or public roads by cattle.—(1) Any owner or keeper of cattle, who through neglect or otherwise damages or causes or permits to be damaged any land or any crop or produce of land, or any public road, by allowing such cattle to trespass thereon, shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) The magistrate trying an offence under sub-section (1 may order—

(*a*) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as the magistrate considers reasonable to any person for any damage proved to have been caused to his crop or other produce on land by the accused committing the offence; and

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(1) The State Government, may, by notification, with respect to any local area specified in such notification, direct that this section shall be read as if * * * *

* * * *

the words "imprisonment for a period which may extend to three months or with fine which may extend to five hundred rupees or with both" were substituted for the words "fine which may extend to fifty rupees".

(5) The offences under this section shall be cognizable.

26. Recovery of penalty for mischief committed by causing cattle to trespass.—Notwithstanding anything contained in any law, any fine imposed under section 25 or for the offence of mischief by causing cattle to trespass on any land under section 426 of the Indian enal Code may be recovered by sale of all or any of the cattle by which the trespass was committed whether they were seized in the act of trespassing or not and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

27. Penalty on pound-keeper failing to perform duties.—Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19, or * * *

* * * *

* * failing to perform any of the other duties imposed upon him by this Act, shall, in addition to any other penalty to which he may be liable, be punished, on conviction with fine which may extend to fifty rupees.

28. Application of fines recovered under section 25, 26 or 27.—ll fines recovered under section 25, section 26 or section 27, may be appropriated in whole or in part as compensation for loss or damage caused to the crops or other produce or the land of any person or of any person and proved to the satisfaction of the convicting magistrate.

CHAPTER VII.

MISCELLANEOUS.

29. Saving of right to sue for compensation.—(1) Nothing contained in this Act shall be deemed to preclude any person whose crops or other produce or land have been damaged by trespass of cattle from suing for compensation in any competent court.

(2) Any compensation paid to such person under this Act by order of the convicting magistrate shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

30. Power of State Government to authorise local authorities to exercise powers under the Act.—The State Government may, by notification, authorise any local authority within the area subject to the jurisdiction of such local authority, to exercise all or any of the powers of the State Government or the District Magistrate under this Act, subject to such restrictions and conditions as may be specified in such notification.

31. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules, to carry out all or any of the purposes of this Act.

(2) In particular but without prejudice to the generality of the foregoing provision, such rules may provide the following, namely:

(i) the form of, and the procedure relating to the declaration, and the scales of deposit to be made under section 13;

(ii) the procedure regulating the making of security deposit, custody and refund thereof;

(iii) the manner in which any cattle is to be disposed of;

(iv) any other matter which is to be or may be prescribed.

32. Notifications and rules to be laid before State Legislature.—Every notification issued under sub-section (1) of section 10, sub-section (4) of section 25 and section 30, and every rule made under section 31 shall be laid, as soon as may be, after it is issued or made, before each House of the State Legislature while it is in session for a

total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any modification in the notification or the rule, or both Houses agree that the notification or the rule should not be issued or made, the notification or the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that notification or rule.

33. Repeal and savings.—The Mysore Cattle Trespass Act, 1871 (Mysore Act I of 1871), as in force in the Mysore Area, the Hyderabad Cattle Trespass Act, 1337F (Hyderabad Act V of 1337Fasli) as in force in the Hyderabad Area, the Cattle Trespass Act, 1871 (Central Act I of 1871) as in force in the Madras Area, Bombay Area, and the Coorg District, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), shall be applicable in respect of the repeal of the said enactments and sections 8 and 26 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

T. HANUMANTHAPPA,

Secretary,

Mysore Legislature.

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PART IV—2-A

BANGALORE, MONDAY, OCTOBER 11, 1965
(ASVIJA 19, SAKA ERA 1887). | No. 187

MYSORE LEGISLATURE

NOTIFICATION.

No. 10122/L.A., Bangalore-1, dated 11th October 1965.

The Report of the Joint Select Committee on the **Mysore Agricultural Debtors Relief Bill, 1965** and the Bill as reported by the Joint Select Committee and as presented to the Legislative Assembly are hereby published.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE AGRICULTURAL DEBTORS RELIEF BILL, 1962.

COMPOSITION OF THE JOINT SELECT COMMITTEE.

1 Sri Ramakrishna Hegde (Minister for Development, Panchayat Raj and Co-operation) *Chairman* (upto July 1965).

2 Sri M. V. Rama Rao (Minister for Law) (up to July 1965).

3 Sri K. Puttaswamy (Minister for Co-operation and Housing) *Chairman.* (from July 1965).

4 Sri S. Nijalingappa (Chief Minister) (from July 1965).

5 Sri K. Lakkappa.

6 Sri R. N. Lakshmipathy.

7 Sri S. Subbaya Naik.

8 Sri K. P. Revannasiddappa.

9 Sri C. S. Hulkoti.

10 Sri G. Made Gowda.

11 Sri K. Shivalinge Gowda.

12 Sri R. S. Patil.

13 Sri C. M. Desai.

14 Sri A. Sharnappa.

15 Sri N. Huchmasthy Gowda.

16 Srimathi Rathnamma Madhava Rao.

17 Srimathi V. V. Mirjankar.

18 Sri Andanaiah.

19 Sri Gopala Salenna.

*20 Sri S. S. Narayana Murthy.

*21 Sri K. Channabasavana Goud.

*22 Sri Tejsingh Rathod.

*23 Sri G. V. Anjanappa.

21 Sri C. S. Balakrishna Gowda.

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* Ceased to be members with effect from 13th May 1964, and were subsequently re-appointed to serve on the Committee on a motion moved by the Minister-in-charge of the Bill.

Secretariat

Sriyuths—

G. S. Venkataramana Iyer, *Secretary*
(till 18th March 1965).

T. Hanumanthappa, *Secretary*
(from 19th March 1965).

K. S. Thimmappa Gowda, *Deputy Secretary.*

V. B. Deshmukh, *Under Secretary.*

DRAFTSMEN.

SRI R. SANJEEVALU,
Secretary to Government, Law Department.

SRI M. A. SRIKRISHNA,
Draftsman, Law Department.

REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE AGRICULTURAL DEBTORS RELIEF BILL, 1962.

Presented on 11-10-1965

The Joint Select Committee to consider the Mysore Agricultural Debtors Relief Bill, 1962 has the honour to make this report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the *Mysore Gazette* on 14th June 1962.

3. The Bill was introduced in the Legislative Assembly on 11th October, 1963. The Assembly discussed the motion for consideration on the same day. The motion for reference of the Bill to the Joint Select Committee (*Vide* Appendix I) was moved and adopted by the Assembly on 11th October 1963.

4. The Legislative Council discussed the motion for concurrence on 4th December, 1963 and concurred in the motion on the 7th December, 1963 (*Vide* Appendix II)

5. The Committee held its sittings on 14th February 1964; 24th November 1964; 20th September 1965 (two sittings); and 21st September 1965.

6. The important changes made in the Bill are detailed in the succeeding paragraphs.

7. **Clause 1, sub-clause** (3).—The Committee consider that the Act should be brought into force throughout the State on the same day. This sub-clause has accordingly been modified.

8. **Clause 2**: (1) *Item* (3).—The definition of "court" in this item has been modified in conformity with the provisions of the Mysore Civil Courts Act, 1964.

(2) *Item* (5).—The Committee consider that the period in sub-items (*a*) (ii) and (*b*) (ii) should be a period of thirty years before the 30th January 1960 instead of the 30th January 1940. These sub-items have accordingly been amended.

In sub-item (*b*) (iv), the committee are of the opinion that the annual income of an undivided Hindu Family from sources other than agriculture and manual labour should not exceed two-fifths of its total annual income or Rs. 3,000 whichever is greater, and the aggregate of annual incomes from all sources of all the members of

such family should not exceed Rs. 10,000. This item has accordingly been modified.

In Explanation 1 to this item, the Committee consider that pig-breeding should be included along with poultry farming and stock-breeding. The Explanation has accordingly been amended.

(3) *Item (6).* The Committee are of the opinion that loans taken for purchasing pesticides should also be included in this item. The item has accordingly been amended.

(4) *Items (11) and (12) (original items).*—These two items have been deleted since the Mysore Land Revenue Act, 1964, is the revenue law now applicable throughout the State and the Mysore Land Reforms Act, 1961 is the relevant tenancy law applicable throughout the State.

(5) *Item (12) [original item (14)].*—The Committee consider that it would not be appropriate to specify the date of repayment of the loan in the Act itself as these dates may have to be different with reference to different regions. The Committee consider that the dates should be prescribed by the rules. This item has accordingly been modified.

(6) *Item (13) [original item (15)].*—The Committee are of the opinion that members of the armed forces of the Union should also be treated as cultivating the lands personally whether the land is cultivated on their behalf or by servants hired labour or by tenants. Explanation 3 has accordingly been added to this item.

9. Clause 3.—The Committee consider that a debt due to a woman where the value of the property owned by her does not exceed six thousand rupees should also be excluded from the scope of this law. Accordingly a new item numbered as item (ix) has been inserted.

10. Clause 4, sub-clause (1).—The Committee are of the opinion that it should be made clear that the debts which have been extinguished by virtue of the provisions of the Bombay Agricultural Debtors Relief Act, 1947, or the Hyderabad Agricultural Debtors Relief Act, 1956, cannot be the subject matter of any application under this clause. The proviso to this sub-clause has accordingly been amplified.

11. Clause 11.—The Committee are of the opinion that the total amount of debts should not exceed twenty thousand rupees.

ccordingly, for the words "fifteen thousand rupees" the words "twenty thousand rupees" have been substituted in this clause.

12. Clause 14 (original clause).—The Committee consider that this clause is unnecessary and it has therefore been deleted.

13. Clause 21 (original clause 22).—The Committee are of the opinion that the years mentioned in paragraphs (2), (3), (4) and (6) should be altered to 1941 and 1950 instead of 1931 and 1940. ecessary amendments have accordingly been made in this clause.

14. Clause 32 (original clause 33), sub-clause (3).—The ommittee consider that the maximum rate of interest should be nine per cent instead of 7-13/16 per cent. This sub-clause has accordingly been amended.

15. Clause 38 (original clause 39).—The Committee are of the opinion that instead of transferring an award for execution to the eputy Commissioner, the court may itself be empowered to execute the award as if it were a decree passed by it. Item (ii) of the clause has accordingly been amended.

16. Clause 43 (original clause 44).—The Committee are of the opinion that provision should be made for an appeal to the Court of the Civil Judge from the Court of a Munsiff and for an appeal to the ourt of the District Judge from the Court of a Civil Judge. aragraph (2) of the clause has accordingly been modified.

17. Clause 45 (original clause).—The Committee are of the opinion that this clause is unnecessary, and it has therefore been deleted.

18. The other amendments made in the Bill are either consequential or intended to improve the wording.

19. The Bill as amended by the Joint Select Committee may be passed.

BANGALORE.
ated 7th October 1965.

K. PUTTASWAMY,
Chairman,
Joint Select Committee.

T. HANUMANTHAPPA,
Secretary.

APPENDIX I

(*Vide* Para 3 of the Report)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee

"That the Mysore Agricultural Debtors Relief Bill, 1962, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths.—

1. K. Lakkappa.
2. K. P. Revannasiddappa.
3. Gopala Salenna.
4. R. N. Lakshmipathy.
5. Andanaiah.
6. S. Subbaiya Naik.
7. C. S. Hulkoti.
8. G. Made Gowda.
9. K. Shivalinge Gowda.
10. R. S. Patil.
11. C. M. Desai.
12. A. Sharnappa.
13. N. Huchmasthy Gowda.
14. Srimathi Rathnamma Madhava Rao.
15. Srimathi V. V. Mirjankar."

APPENDIX II

(*Vide* Para 4 of the Report)

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee

" That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Agricultural Debtors Relief Bill, 1962 consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely ;—

Sriyuths.—

1 S. S. Narayana Murthy.
2 K. Channabasavana Goud.
3 Tej Singh Rathod.
4 G. S. Balakrishna Gowda.
5 G. V Anjanappa."

[As Reported by the Joint Select Committee]

(Words underlined or side lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks)

THE MYSORE AGRICULTURAL DEBTORS RELIEF BILL, 1962.

A Bill to consolidate and amend the law for the relief of agricultural debtors in the State of Mysore:

WHEREAS it is expedient to consolidate and amend the law for the relief of agricultural debtors in the State of Mysore, and for certain other purposes specified herein;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Agricultural Debtors Relief Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification appoint.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "award" means an award made under sub-section (4) of section 8, or sections 9, 31 or 32 or as confirmed or modified by the Court in appeal;

(2) "co-operative society" means a society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1959;

(3) "court" means Court of the Munsiff or the Civil Judge

* * * * *

having ordinary jurisdiction in the area where the debtor ordinarily resides, according as the total amount of the debts due from the debtor on the date of the application, as specified therein does not exceed the pecuniary jurisdiction of such court,

* * * * *

Provided that every application shall be filed in the court of the lower pecuniary jurisdiction competent to try it ;

(4) "debt" means any liability in cash or kind, whether secured or unsecured, due from a debtor, whether payable under a decree or order of any civil court or otherwise, and includes mortgage money, the payment of which is secured by the usufructuary mortgage of immoveable property, but does not include arrears of wages, payable in respect of agricultural or manual labour, or any liability for the recovery of which remedy is barred by limitation ;

(5) "debtor" means—

(*a*) an individual—

(*i*) who is indebted;

(*ii*) who holds land used for agricultural purposes, or has held such land at any time not more than thirty years before 30th January 1960, which land has been transferred, whether under any instrument or not, and which transfer is in the nature of a mortgage, although not purporting to be so ;

(*iii*) who has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act ; and

(*iv*) whose annual income from sources other than agriculture and manual labour does not exceed one-third of his total annual income, or Rs. 1,000 whichever is greater, and whose aggregate annual income from all sources does not exceed Rs. 5,000 ;

(*b*) an undivided Hindu family—

(*i*) which is indebted;

(*ii*) which holds land used for agricultural purposes or has held such land at any time not more than thirty years before 30th January, 1960, which land has been transferred whether under an instrument or not and which transfer is in the nature of a mortgage although not purporting to be so;

(*iii*) which has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act, and

(*iv*) whose annual income from sources other than agriculture and manual labour does not exceed two-fifths of its total annual income, or Rs. 3,000 whichever is greater and the aggregate of such annual incomes from all sources of the members of which does not exceed Rs. 10,000

Explanation 1.—For the purposes of this clause "agriculture" includes horticulture, the raising of crops or garden produce, dairy farming, poultry farming, pig-breeding stock-breeding and grazing; but does not include leasing of land or cutting only of wood.

Explanation 2.—In the case of—

(*a*) any person who dies leaving as his heir, a widow or a minor or a person who is subject to physical or mental disability; or

(*b*) an undivided Hindu family, in which there are no adult coparceners capable of cultivating the land personally, the income derived by such heir or family by the lease of land for an agricultural purpose shall, notwithstanding anything contained in Explanation 1, be deemed to be income from agriculture;

(6) "financing of crops" means advancing of loans for the raising of crops during the ploughing season or later for ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds, manure, pestisides or for such other purposes as may be prescribed, such loans being repayable during the season when the crops for which loans were advanced are harvested;

(7) "holder" means a holder as defined in the Mysore Land Revenue Act, 1964 and includes a holder of land held for the purpose of service useful to Government or village community, which service is actually being performed, but does not include a holder of any land held on behalf of a religious or charitable institution; and the expression "to hold land" shall be construed accordingly;

Explanation:—A protected tenant, as defined in the Mysore Land Reforms Act, 1961 shall be deemed to be a holder for the purpose of this clause;

(8) "notification" means a notification published in the Official Gazette;

(9) "prescribed" means prescribed by rules made under this ct;

(10) "repealed Debt Conciliation Act" means—

(*a*) The Mysore Debt Conciliation Act, 1937 (Mysore Act VI of 1937) in the Mysore Area,

(*b*) the Hyderabad Debt Conciliation Act, 1349-F in the Hyderabad Area,

(*c*) the Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936) in the Madras Area;

* * * * * *

(*d*) the Debt Conciliation Act, 1940 (Coorg Act II of 1940) in the Coorg District;

* * * * * *

(11) "Scheduled Bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (Central Act II of 1934);

(12) "seasonal finance" means advancing of loans for prescribed purposes * such loans being repayable on or before such dates as may be prescribed.

(13) "to cultivate personally" means to cultivate by one's own labour or by the labour of any member of one's family or by hired labour, or by servants on wages payable in cash or kind but not in crop share, under the personal supervision of one's self or any member of one's family;

3. Savings.—Save as otherwise expressly provided, nothing in this Act shall affect the debts and liabilities of a debtor falling under the following heads, namely :—

(i) any revenue or tax payable to Government or any other sum due to it by way of loan or otherwise ;

(ii) any tax payable to a local authority or any other sum payable to such authority by way of loan or otherwise ;

(iii) any sum due to a co-operative society ;

(iv) any sum advanced solely for the purpose of financing of crops or for the purpose of seasonal financing as provided for in this Act ;

(v) any sum in respect of which proceedings have been taken under the Hyderabad Jahgirdars Debt Settlement Act, 1952 ;

residing within the State of ysore, or his creditor, may make an application within three months from the commencement of this Act, to the Court for adjustment of his debts :

Provided that no application under this section shall lie.—

(a) from a debtor whose debts have been adjusted on an application under section 4 of the Bombay Agricultural Debtors Relief Act, 1947 or of the Hyderabad Agricultural Debtors Relief Act, 1956 or in respect of debts which have been scaled down under the Madras Agriculturists Relief Act, 1938;

(b) in respect of any debt due from a debtor which has been extinguished under sub-section (1) of section 15 of the Bombay gricultural Debtors Relief Act, 1947, or sub-section (1) of section 16 of the Hyderabad Agricultural Debtors Relief Act, 1956.

(2) Every application made under sub-section (1) shall be in writing in the prescribed form and shall be signed, verified and presented in the prescribed manner.

(3) Notwithstanding anything contained in section 3, an application made under this section shall contain the amounts and particulars of all debts specified in that section due by the debtor.

5. Every creditor and debtor to file a true and correct statement before Court.—(1) Notwithstanding the fact that no application has been filed under section 4—

(*a*) every creditor, on being required to do so by notice in writing by any of his debtors, shall, within two months from the date of receipt of such notice, file before the Court a true and correct statement of all his claims against such debtor and shall at the same time send a copy thereof to such debtor, and

(*b*) every debtor on being required to do so by notice in writing by any of his creditors, shall, within two months from the date of the receipt of such notice, file before the Court a true and correct statement—

(i) of all the debts owed by such debtor;

(ii) whether he holds any land used for agricultural purposes and whether he has been cultivating the land personally;

(iii) of his income from agriculture and from sources other than agriculture in the year preceding the date of the notice; and

the debtor shall, at the same time, send a copy of such statement to such creditor:

Provided that the Court may, for sufficient cause, extend from time to time the period within which the creditor or the debtor, as the case may be, may file such statement.

(2) Every debtor or creditor giving a notice under sub-section (1) shall at the same time send a copy thereof to the Court.

(3) In awarding the costs of any proceeding in respect of an application made under section 4, the Court may on being satisfied that the statement required to be filed under sub-section (1), was without sufficient cause not filed within the time specified therein or within the period extended under the proviso to sub-section (1) or incorrectly filed, direct the party in default to bear the whole or any portion of the costs of such proceeding.

6. Application by debtor jointly and severally liable.—(1) If the payment of a debt due by a debtor is guaranteed by a surety or if a

debtor is otherwise jointly and severally liable for any debt along with any other person and if the surety or such other person is not a debtor, the debtor may make an application under section 4 for relief in respect of such debt and the Court may, after consideration of the facts and circumstances of the case, proceed with the adjustment of the debts under this Act, in so far as such applicant is concerned.

(2) Whenever the debts due by a debtor which are guranteed by a surety are adjusted under sub-section (1), the surety shall be discharged from liability in respect of the debts or portion of the debt of such debtor, which are extinguished under sub-section (1) of section 15, sub-section (3) of section 17, sub-section (5) of section 25, section 33 or sub-section (2) of section 34; and the surety shall not be entitled to proceed against the debtor in respect of such debts or portion.

7. Assignees from non-debtor not entitled to benefit under this Act.—No application shall lie under section 4 for adjustment of any debt due from a debtor to whom such debt has been transferred or assigned after the commencement of the repealed Debt Conciliation Acts in the respective Areas of the State, by any person who is not himself a debtor.

8. Application for recording settlement.—(1) If any debtor and any or all of his creditors arrive at a settlement in respect of any debts due by the debtor to the creditor, the debtor or any of the creditors may, within thirty days from the date of such settlement make an application to the Court for recording such settlement.

(2) Every such application shall be in the prescribed form and hall be signed and verified in the prescribed manner.

(3) On receipt of such application, the Court shall, after giving notice to the creditor or the debtor, as the case may be, and after making such enquiry as it thinks fit, if it is satisfied that the settlement arrived at is bona-fide and voluntary and is not made with intent to defeat or delay any of the creditors of the debtor, and is in the interest of the debtor, record such settlement and certify the same. Every such settlement so recorded and certified shall be binding upon the parties thereto and shall not, save as otherwise hereinafter provided, be reopened.

(4) After the Court has recorded and certified a settlement under sub-section (3), the Court shall call upon the debtor to make a declaration whether there are any other debts due by the debtor which are not included in the settlement. If the debtor makes a declaration that there are no such debts, the Court shall make an award in terms of such settlement.

(5) If the Court is satisfied after recording such settlement, that there are other debts due from the debtor, which are not included in the settlement, the Court shall treat the application made under sub-section (1) as an application for adjustment of debts under section 4.

9. Settlement during pendency of proceedings before Court.—Notwithstanding anything contained in the preceding sections, if during the pendency of proceedings before the Court or the Court in appeal, as the case may be, a settlement is arrived at between a debtor and all his creditors and if such Court is satisfied that the settlement has been made by the debtor voluntarily and is for his benefit, such Court may make an award in terms of such settlement.

10. Certain settlements to be void.—Every settlement of a debt due from a debtor to any creditor, which is not certified by the Court under section 8 or in terms of which no award has been made under section 9, shall be void and shall not be recognised by any Court for any purpose whatsoever.

11. Application under section 4 or section 8 to be made only in respect of debtor whose debts are not more than Rs. 15,000.—No application under section 4 or section 8 shall be entertained by the Court on behalf of or in respect of any debtor, unless the total amount of debts due from him on the date of the application is not more than twenty thousand rupees.

12. Withdrawal of applications.—An application for adjustment of debts under section 4 or an application for a settlement under section 8 shall not be withdrawn without the leave of the Court.

13. Consolidation of applications.—Where two or more applications for adjustment of debts under section 4 are presented by or

against the same debtor, all such applications shall be consolidated. Where such separate applications are presented by or against joint debtors, all such applications shall be heard together.

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14. Service of notice on debtors, and creditors to submit statement of debts.—On receipt of an application for adjustment of debts, the Court shall—

(*a*) give notice to the debtor (unless the debtor is himself an applicant) and to every creditor (other than the creditor who is himself an applicant), whose name and address are given in the application, and

(*b*) publish a general notice requiring the debtor and all creditors to submit a statement in the prescribed form within one month from the date of the service of the notice or the publication of the general notice, whichever is later :

Provided that if the Court is satisfied that the debtor or any creditor is, for good and sufficient cause, unable to comply with the notice, within the time specified therein it may extend the period for the submission of the statement.

15. Debts in respect of which no application for adjustment or settlement is made to be void.—(1) Every debt due from a debtor in respect of which no application has been made under section 4, within the period specified in the said section 4 or in respect of which no application for recording a settlement is made under section 8, within the period specified in the said section 8, or in respect of which an application made to the Court is withdrawn under section 12 and no fresh application is made under section 4 and every debt due from such debtor in respect of which a statement is not submitted to the Court by the Creditor in compliance with the provisions of section 14 shall be extinguished.

(2) Nothing in this section shall apply to any debt due from any person who has by his declaration, act or omission intentionally caused or permitted his creditor to believe that he is not a debtor for the purposes of this Act, or that no application under section 4 can be entertained in respect of any debt owed by such person to such creditor by reason of the provisions of section 11.

16. Duties of debtors and creditors.—(1) Every debtor by or against whom an application is made under section 4 or who is a party to an application made under section 8 shall produce all books of accounts, shall give such inventories of his property and such lists of his creditors and debtors and of the debt due from and to him, submit to such examination in respect of his property or his creditors, attend at such time before the Court and generally do all such things as may be required by the Court or as may be prescribed.

(2) It shall be the duty of every creditor to produce such books of accounts, to submit to such examination, to supply such information in respect of the debt due to him by the debtor and the securities held by him as may be required by the court or as may be prescribed.

17. Preliminary issues.—(1) On the date fixed for the hearing of an application made under section 4, the Court shall decide the following points as preliminary issues :—

(*a*) whether the person for the adjustment of whose debts the application has been made is a debtor ;

(*b*) whether the total amount of debts due from such person on the date of the application exceeds fifteen thousand rupees.

(2) If the Court finds that such person is not a debtor or that the total amount of debts due from such person on the date of the application is more than fifteen thousand rupees, the Court shall dismiss the application forthwith :

Provided that before the application is so dismissed, the creditors or any one of them may remit any specified portion of their claim so as to reduce the total amount of the debts of all creditors due from such person on the date of the application to a sum not exceeding fifteen thousand rupees. In such a case, the Court shall not dismiss the application but shall proceed further with the same.

(3) The portion of the debts in respect of which the claim is remitted under sub-section (2) shall be extinguished.

Explanation.—For the purposes of this section, the expression "the date of the application" shall mean the date of an application which has been made within the period prescribed under section 4 and where there are two or more applications made for adjustment of debts of the same debtor, the date of the last of such applications.

18. Transfer of pending suits, appeals, applications and proceedings to the Court.—(1) All suits, appeals, applications for execution and proceedings in respect of any debt pending in any Civil or Revenue Court shall, when they involve the questions whether the person from whom such debt is due is a debtor, and whether the total amount of debts due from him exceeds fifteen thousand rupees, be transferred to the Court.

(2) When an application for adjustment of debts made to a Court under section 4 or a statement submitted to a Court under section 15 includes a debt in respect of which a suit, appeal, application for execution or proceeding liable to be transferred under sub-section (1) is pending before a Civil or Revenue Court, the Court shall give notice thereof to such Civil or Revenue Court. On receipt of such notice, such Court shall transfer the suit, appeal, application or proceeding, as the case may be, to the Court.

(3) When any suit, appeal, application or proceeding is transferred to the Court under sub-section (1) or sub-section (2), the Court shall proceed as if the application under section 4 had been made to it.

(4) If the Court, to which any suit appeal, application or proceeding is transferred under sub-section (1) or sub-section (2) decides the preliminary issue mentioned in clause (*a*) of sub-section (1) of section 18 in the negative or that mentioned in clause (*b*) of the said sub-section (1) in the affirmative, it shall re-transfer the suit, appeal, application or proceeding to the Civil or Revenue Court from which it had been transferred to itself after the disposal and subject to the result of the appeal, where an appeal is filed, and after the expiry of the period prescribed for an appeal, where no appeal is filed.

(5) When any suit, appeal, application or proceeding is re-transferred to the Civil or Revenue Court under sub-section (4), the said Court shall proceed with the same.

(6) When such suit, appeal, application or proceeding involves the determination of any issue entirely unconnected with adjustment of debts, the transfer of such suit, appeal, application or proceeding under this section shall not empower the Court to determine the said issue and the determination of such issue shall be made as if the transfer of the suit, appeal, application or proceeding was not made under this section.

(7) When any question arises regarding the validity of the transfer or re-transfer under this section of any suit, appeal, application or proceeding or if any question arises whether any issue is or is not entirely unconnected with the adjustment of debts, the Court before which such question arises, if it is not the District Court may refer the question for the decision of the District Court. If such question arises before the District Court, the District Court itself shall decide the same. The decision of the District Court in either case shall be final.

19. Taking of accounts.—If the Court finds the person making an application under section 4 or the person against whom an application is made under the said section 4 to be a person—

(*a*) who is a debtor, and

(*b*) the total amount of debts due from whom on the date of the application is not more than fifteen thousand rupees,

the Court shall proceed to take accounts in the manner hereinafter provided.

20. Examination of creditor and debtor.—In an application for the adjustment of debts, if the amount of the creditors' claim is disputed, the Court shall, when taking accounts, examine both the creditor and the debtor as witnesses, unless, for reasons to be recorded, the Court deems it not necessary so to do.

21. Mode of taking accounts.—Notwithstanding any agreement between the parties or the persons, if any, through whom they claim as to allowing compound interest or setting off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account, and notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings to and create a new obligation, the Court shall enquire into the history and merits of the case and take account between the parties from the commencement of the transactions subsisting between the parties and the persons, if any, from whom they claim, out of which the claim has arisen and determine the amount due to each of the creditors at the date of the application made under section 4, according to the following rules, namely:—

(1) (*a*) separate accounts of principal and interest shall be taken;

(*b*) in the account of principal, there shall be debited to the debtor only such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor;

(*c*) in the accounts of principal and interest, there shall also be debited the amounts, if any, respectively due for principal including costs) and interest under any decree or order passed by a competent Court in respect of any debt :

Provided that if such decree or order does not specify the amount of principal and interest separately, or does not contain any material for determining the same, two-thirds and one-third of the amount awarded by such decree or order shall, for the purposes of this clause be deemed to be the amount awarded on account of principal (including costs) and interest, respectively.

(2) In the case of transactions which commenced before the 1st January, 1941, the Court shall take the account up to the date of the institution of the application and in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties or at a rate not exceeding twelve per cent. per annum, whichever is the lowest. The amount found due in respect of principal as well as in respect of interest, shall, each separately, be reduced by 40 per cent. notwithstanding that a decree or order of a ivil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(3) In the case of transactions which commenced on or after the 1st January, 1941, but before the 1st January, 1950, in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties or at a rate not exceeding 9 per cent. per annum, whichever is the lowest. The amount found due on the date of the institution of the application in respect of principal, as well as in respect of interest, shall, each separately, be

reduced by thirty per cent, notwithstanding that a decree or order of a Civil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amount due in respect of principal and interest on the date of the institution of the application.

(4) In the case of transactions which commenced on or after 1st January 1950, in the account of interest, there shall be debited to the debtor simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties, or at a rate not exceeding six per cent per annum, whichever is the lowest.

(5) All money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description received by the creditor in the course of the transactions (estimated, if necessary, at such money value as the Court in its discretion may determine) shall be credited first in the account of interest and when any payment is more than sufficient to discharge the balance of interest due at the rate specified in rule (2), (3) or (4) as the case may be, the residue of such payment shall be credited to the debtor in the account of principal.

(6) The accounts of principal and interest shall be made up to the date of the institution of the application, and the aggregate of the balance, if any, appearing due on both such amounts against the debtor on that date shall be deemed to be the amount due on that date, except when the balance appearing due on the interest-account exceeds that appearing due on the principal account, in which case, double the latter balance shall be deemed to be the amount then due:

Provided that where the transaction between the parties have commenced more than thirty years before 30th January 1950 any settlement of accounts which has been last arrived at between the parties before the said period of thirty years and which is in writing and bears the signature of the debtor or the person through whom the liability is derived shall be accepted as binding between the parties and no enquiry into the history and merits of the case shall be made prior to the date of such settlement.

22. In certain cases rent may be charged in lieu of profits.—Where any mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor and the Court is unable to determine what profits have actually been received, it may fix a fair rent for the property and charge to the mortgagee such rent as profits for the purpose of section 21 :

Provided that if it be proved that in any year there was any suspension or remission of rent or land revenue of such land under any law, an abatement of the whole or part of such amount may be allowed for the year.

23. Power of Court to declare transfer purporting to be a sale to be in the nature of mortgage.—(1) Notwithstanding any thing to the contrary contained in any law, custom or contract-whenever it is alleged during the course of the hearing of an application made under section 4, that any transfer of land by a person whose debts are being adjusted under this Act or any other person through whom he inherited the land was a transfer in the nature of a mortgage, the Court shall declare the transfer to be a mortgage, if the Court is satisfied that the circumstances connected with that transfer showed it to be in the nature of a mortgage.

(2) Any agricultural labourer may make an application before the expiry of one year after the commencement of this Act, to the Court that any transfer of land by him or any other person through whom he inherited it was a transfer in the nature of a mortgage. On hearing the application, the Court shall, notwithstanding anything to the contrary contained in any law, custom or contract declare the transfer to be a mortgage, if it is satisfied that the circumstances connected with the transfer showed it to be in the nature of a mortgage. When the Court makes any such declaration, the applicant shall, notwithstanding anything contained in the definition of "debtor" in sub-section (5) of section 2, be deemed to be a debtor for the purposes of this Act and the Court shall proceed as if an application under section 4 had been made to it.

Explanation.—An 'agricultural labourer' means a person who earns his livelihood by engaging himself in agricultural operations on agricultural land, either as a tenant or a servant or a hired labourer.

24. Provisions of section 23 not to apply to certain transfers and transferees.—Nothing in section 23 shall apply to —

(i) a transfer which has been finally adjudged to be a transfer other than a mortgage by a decree of a Court of competent jurisdiction or by a Board established under the repealed Debt Conciliation Act ; and

(ii) any *bona fide* transferee for value without notice of the real nature of such transfer or his representative, where such transferee or representative holds under a registered deed executed on or before the commencement of the repealed Debt Conciliation Act.

25. Notice to Deputy Commissioner, Registrar of Co-operative Societies, Local Authorities and others.—(1) On receipt of an application for adjustment of debts, the Court shall give notice to the Deputy Commissioner, requiring him to state to the Court within such time as may be fixed by it, the amount of the debt due by the debtor to Government.

(2) The Court shall also give similar notice to any Local Authority, Co-operative Society or Scheduled Bank, to which any debt may be due by the debtor and also to any person who is entitled to maintenance from the debtor under a decree or order passed by a competent Court. In the case of any debt due to a Co-operative Society, the Court shall also give notice to the Registrar of Co-operative Societies or to such officer as the Registrar may nominate in this behalf.

(3) On receipt of such notice, the Deputy Commissioner the Local Authority, the Co-operative Society or the Scheduled Bank or the person entitled to maintenance, as the case may be, shall, within such time, as may be fixed by the Court, from time to time, submit a statement to the Court showing the total amount of the debt due by the debtor, as also any recurring liability against such debtor, in respect of the liability for maintenance under the decree or order.

(4) The Deputy Commissioner, the Co-operative Society and the Scheduled Bank shall also furnish a statement to the Court showing the amount of remission which the State Government, the Co-operative Society or the Scheduled Bank as the case may be, is willing to give in respect of the debt.

(5) The portion of any debt remitted under sub-section (4), and unless the Court otherwise directs any debt or portion thereof in respect of which no statement is submitted under sub-section (3), shall be extinguished.

26. Court's duty to determine particulars, value, etc. of property.— fter taking accounts under section 21, the Court shall, in the manner hereinafter provided, determine—

(i) the particulars of the property belonging to the debtor;

(ii) the value of the said property;

(iii) the particulars of property and encumbrances on the said property; and

(iv) the paying capacity of the debtor.

27. Fraudulent alienations or incumbrances void.—(1) If, in the course of the hearing of an application made under section 4, the Court finds that the debtor has made an alienation of property or created any incumbrance thereof with intent to defeat or delay any of his creditors, the Court shall, by notice, summon the debtor and the person in whose favour the alienation or incumbrance is made or created, to appear before it on a date to be specified in the notice.

(2) On the day specified in the notice or such other day to which the hearing may be adjourned, the Court shall hear the parties and record evidence as may be produced and if it is satisfied that the alienation was made or the incumbrance was created with intent to defeat or delay any of the creditors of the debtor, the Court shall declare the alienation or incumbrance to be void.

(3) Nothing in this section shall impair the rights of an alienee or the holder of an encumbrance in good faith and for valuable consideration.

28. Value of property of debtor to be determined by Court in prescribed manner.—(1) Subject to the provisions of sub-sections (2), 3) and (4), the value of the property and other assets of a debtor for purposes of ascertaining the paying capacity of the debtor under section 27, shall be determined by the Court in the prescribed manner.

(2) The property or assets which are exempt from attachment in execution of a decree of a Civil Court under the Code of Civil Procedure, 1908, shall not be taken into account.

(3) The amount of the debts mentioned in section 3 shall be deducted.

(4) The market value of the lands, which, under any law for the time being in force, are not transferable or alienable, except with the previous sanction of the Deputy Commissioner or the State Government, shall be calculated in such manner as may be prescribed.

2º. Paying capacity.—The paying capacity of the debtor, shall, for the purpose of this Act, be deemed to be sixty per cent of the value of all the property of the debtor:

Provided that, when any portion of such property yields income, but the market value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalised at six per cent per annum.

30. Debts payable by debtors to be scaled down.—(1) Notwithstanding any law, custom, contract, award or decree of a Court to the contrary, the amounts found due under section 21 from a debtor, shall be further scaled down in the manner hereinafter provided.

(2) If all the debts found due by a debtor after taking accounts under section 21 are unsecured, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under section 21 are secured debts, and the total amount of such debts is more than sixty per cent of the value of the property belonging to the debtor, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under section 21 are both secured and unsecured and if the total amount of secured debts is more than sixty per cent of the value of the property, on which such debts are secured, the secured debts shall be

further scaled down *pro rata* to sixty per cent of the value of the property on which such debts are secured and the unsecured debts shall be further scaled down *pro rata* to sixty per cent of the value of the other property belonging to the debtor over which no debts are secured.

31. Award.—(1) After determining the amount of debts scaled down in the manner provided in section 30, the Court shall, save as otherwise provided in section 32, make an award.

(2) The award shall be in the prescribed form and shall be drawn up subject to the following provisions:—

(i) the amount of the secured debts scaled down shall be charged on the properties on which they may have been secured;

(ii) subject to clause (i), the amount of unsecured debts shall be charged on all the properties of the debtor unless all the creditors declare in writing that the unsecured debts due may not be charged on any of the properties of the debtor;

(iii) in fixing the priority in which debts shall be paid, the following order shall be followed :—

(*a*) debts due to Government, which are charged on the immoveable property belonging to the debtor or which are recoverable as the current year's land revenue;

(*b*) debts due to local authorities, which are charged on the immoveable property belonging to the debtor or which are recoverable as the current year's dues;

(*c*) loans given by persons authorised under section 62 *for seasonal finance under this Act;

(*d*) secured debts in order of priority;

(*e*) debts due to Government, local authorities and other bodies including Co-operative Societies, and recoverable as arrears of land revenue;

(*f*) other debts due to co-operative societies,

(*g*) unsecured debts:

Provided that in the case of unsecured debts they shall be paid *pro rata*.

(iv) the total annual instalments shall not exceed twelve:

Provided that in fixing the amount of instalments in which the debts shall be paid the Court shall ascertain the net annual income of the debtor and the annual instalments payable by the debtor shall not exceed his net annual income.

Explanation.—For purposes of this clause, the net annual income of the debtor shall mean the balance of his annual income after deducting—

(*a*) such sum as may be considered necessary for the payment of the liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent Court;

(*b*) such sum as may be considered necessary for the maintenance of the debtor and his dependents; and

(*c*) the sum required by the debtor to pay the assessment and taxes in respect of current year to Government, and local authorities, and to pay off loans borrowed tor the purpose of seasonal finance under this Act.

(v) the Court may pass an order for the delivery of possession of any property and to account for and pay the mesne profits of such property till delivery, notwithstanding any law or contract to the contrary;

(vi) the rate of interest shall not exceed six per cent per annum or such less rate as may be notified in this behalf by the State Government or the rate agreed upon between the parties when the debt was originally incurred or the rate allowed by the decree in respect of such debt whichever is the lowest.

33. Court to prepare scheme for adjustment of debts through Land Development Bank.—(1)Where the amount of debts of the debtor as scaled down under section 30 exceeds half the value of the debtor's immoveable property, as determined under section 26, the Court shall intimate to the creditors the amount of the said debts of the debtor and the said value of the debtor's immoveable property and call upon them to state in writing within a specified period, not

exceeding one month, whether they agree to the further scaling down of the said debts so as to reduce them to a sum not exceeding half the said value of the immoveable property of the debtor. If a majority in number and three-fourths in value of all the creditors agree to the further scaling down of the debts, the Court shall make an order directing the debtor to pay the amount of such debts so agreed upon within a period of one month from the date of the order.

(2) Unless the debtor pays the amount of such debts within a period of one month from the date of the order or such extended period not exceeding one month as the Court may allow and produces the creditors receipt therefor, the Court shall prepare a scheme embodying the terms of an award to be passed under this section for adjustment of the debts and shall send the scheme to the primary Land Development Bank situated in the local area and if there is no such primary Land Development Bank in that local area, to the Mysor Central Co-operative Land Development Bank, for acceptance within a period of two months from the date of receipt by it of the scheme. If the primary Land Development Bank or the Mysore Central Co-operative Land Development Bank, as the case may be, agrees to accept the scheme, or does not inform the Court within the period of the said two months that it does not agree to accept the scheme, the Court shall make an award in the prescribed form directing that the Land Development Bank concerned shall pay the creditors in cash the debt as finally scaled down or if the creditors so desire, in bonds issued by the Mysore Central Co-operative Land Development Bank, such bonds being guaranteed by the State Government, for such amount in full satisfaction of all the debts due to them from the debtor. The Court shall further direct that such amount shall be charged on all the immoveable property of the debtor and such charge shall be deemed to be a mortgage executed in favour of the Land Development Bank.

(3) The Bank shall be entitled to recover the amount due to it from the debtor in such annual instalments as may be fixed by the Court, having regard to the circumstances of the debtor and the bye-laws of the Bank. The amount of principal shall carry, and be recoverable together with interest at such rate not exceeding nine per cent per annum, as the State Government may notify in this behalf from time to time.

(4) All sums due under an award made in favour of the Bank under this section shall, without prejudice to any other mode of recovery allowable by law, be recoverable as arrears of land revenue:

Provided that any application for the recovery of such sums as arrears of land revenue shall be made to the Deputy Commissioner and shall be accompanied by a certificate signed by the Court.

33. No recovery of amounts in excess of debts scaled down.—The amount of debts scaled down under section 30 or further scaled down under section 33 shall, for purposes of this Act, be the amount due by the debtor in respect of the said debts and the portion of the debts in excess of this amount shall be extinguished.

34. Debts not to be scaled down in case of collusion.—If the Court making an award under section 31 is at any stage of the proceeding satisfied—

(i) that the debtor had in collusion with any creditor furnished in such proceeding incorrect information in respect of the debt due by him to such creditor with a view to defeat the lawful claims of any other creditor, the Court may refuse to scale down any of the debts of such debtor in the manner provided in section 30 and may make an award for the full amount of the debts due from such debtor;

(ii) that any claim by any creditor in such proceeding had been put forward in collusion between the debtor and such creditor with a view to defeat the lawful claims of any other creditor, the Court shall order that the debt due by the debtor to such creditor shall be extinguished and such debt shall not be recoverable.

35. Ex-parte proceedings if any party does not appear.—(1) Notwithstanding that the person for the adjustment of whose debts an application has been made under section 4 or any of his creditors does not appear on the date fixed for the hearing of the application or on any date to which it may be adjourned, the Court shall proceed *ex-parte* to hear the application, decide the preliminary issues and if necessary, make the award, on the evidence available.

(2) When an application made under section 4 is heard and disposed of *ex-parte* under sub-section (1), the decision on the

preliminary issues or the award shall not, except for sufficient reasons, be reopened merely on the ground that any of the parties thereto did not appear at the hearing.

36. Reopening of award and adjustment of debts.—If, after an award is made under section 31, the Court finds on an application made to it by any party or otherwise, that the debtor has either property which was not disclosed to the Court when the award was made, or that any property included in the award did not belong to the debtor, the Court may, notwithstanding anything contained in this Act, reopen the award, readjust the debts in accordance with the provisions of this Act:

Provided that where the Court is satisfied that the non-disclosure of such property was in consequence of any fraud on the part of the debtor, the Court in revising the award shall not give the debtor the benefit of section 30.

37. Award to be registered.—(1) Every award made under this ct if it is in respect of debts charged on the properties of the debtor shall, on payment to the Court fee payable under section 44, be registered in the manner provided in Chapter III.

(2) The Court fee and the award shall be paid by the party ordered by the Court to bear the costs:

Provided that any creditor who is not ordered to bear the costs may pay such Court fee. Such creditor shall be entitled to recover the amount of court fee paid by him from the debtor with the first instalment payable to him under the award:

Provided further that no court fee shall be payable by a co-operative society.

38. Award how executed.—The award sball be executed as follows:—

(i) If the debtor makes default in the payment of any instalment due under the award to any creditor, such creditor may apply in the prescribed form to the Court for execution of the award.

(ii) If the Court on receipt of such application is satisfied that the debtor has made default in the payment of the instalment, the Court shall execute the award as if it were a decree passed by it:

Provided that nothing in clauses (i) and (ii) shall affect the right of Government, a local authority or a co-operative society to have recourse to any mode of recovery allowable by any law for the time being in force.

(iii) If the Court has passed an order for the delivery of possession of any property under clause (v) of sub-section (2) of section 31, such order shall on the application be executed by the Court as if it were a decree passed by it.

39. Postponement of payment of instalments in case of remission, etc.—(1) Whenever from any cause the payment of one half or more of the land revenue payable to the State Government is suspended or remitted, the payment of the whole of the instalment due for that year and the full amount of the instalment due for each subsequent year under an award made under sections 8, 9, 31 or 32, shall be postponed for one year.

(2) Whenever from any cause the payment of any portion less than one half of the land revenue payable to the State Government is suspended or remitted, one half of the amount of instalment for that year and the full amount of the instalment due for each subsequent year under an award made under sections 8, 9, 31 or 32 shall be postponed for one year.

40. No alienation by debtor before discharge of debts to be valid.—Notwithstanding any law or contract, but subject to the provisions of section 41 and section 62 no alienation of any property belonging to a debtor who is a party to any proceedings under this Act, or an award registered under this Act, made by him before all his debts are discharged shall be valid, unless it is made with the previous sanction of the Court.

41. Court may order sale of debtor's property in liquidation of his debt.—If the Court or the Court hearing an appeal against the award, is at any time satisfied that it is in the interest of a debtor that any part of his property should be sold in liquidation of his debt or part thereof, such Court may permit the debtor to sell such part of the property for such purpose within a specified period. If the debtor fails so to sell it, such Court may order an Officer of the Court to sell the same. The property ordered to be sold under this section shall be sold by such Officer in the manner prescribed ·

Provided that the part of the property ordered to be sold under this section shall not exceed the part liable to be sold under sub-section (2) of section 54.

42. Legal Practitioners excluded from appearance.—Except in proceedings under sections 23, 27 and 28, no legal practitioner shall be entitled to appear on behalf of any party in any proceeding before the Court or the Court hearing an appeal under this Act:

Provided that such Court in the interest of justice and for reasons to be recorded in writing may allow the parties to be represented at their cost by a legal practitioner:

Provided further that the fees of such legal practitioner shall not be allowed as part of the costs in any proceeding under this Act:

Provided also that if an officer of Government is appointed or declared by a competent Court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Court or the Court hearing the appeal. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

43. Appeals.—Notwithstanding anything contained in any other law—

(1) an appeal shall lie:—

(*a*) from every order passed under sub-section (3) of section 8;

(*b*) from every order passed under section 17;

(*c*) from every order passed under section 23;

(*d*) from every order passed under section 27;

(*e*) from every order passed under sub-section (2) of section 35

(*f*) from every award made under this Act other than an award made in terms of settlement under sub-section (4) of section 8, or under section 9 or an award made under section 32 before the making of which the creditors'

agreement has been obtained under sub-section (1) thereof or an award before the making of which neither the debtor nor any of the creditors produced evidence to enable the Court to determine the amount of debt due from the debtor;

(g) from an order made under sub-section (1) or (2) of section 54, adjudicating the debtor an insolvent, provided that no appeal shall lie from such order, except on the ground that the insolvent has failed to disclose all the material facts relating to his assets and liabilities;

(2) an appeal from the Court shall lie to the Court of the Civil Judge unless the Court is the Court of the Civil Judge, when an appeal shall lie to the District Court. The appeal shall be made within sixty days from the date of the order or award as the case may be; ....

* * * *

(3) no second appeal shall lie against any decision, order or award of the Court under this Act.

* * *

44. Court Fees.—(1) Notwithstanding anything contained in the Mysore Court Fees and Suits Valuation Act, 1958, court fees payable in respect of proceedings under this Act shall be at the following rates:—

(i) On an application under sub-section (1) of section 4 or section 8 or an award under sub-section (4) of section 8 or section 9;	Rupee one.
(ii) On an award other than an award specified in clause (i);	Rupee one for every hundred rupees or part thereof, of the amount of the award, subject to a maximum of fifty rupees.
(iii) On an appeal against a decision of the Court under sub-section (3) of section 8 or sub-section (2) of section 17;	Rupees two.
(iv) On an appeal other than an appeal specified in clause (iii):	Rupee one for every hundred rupees or part thereof, of the amount involved subject to a maximum of rupees fifty.

(2) Notwithstanding anything contained in any law, the Court fee payable in respect of proceedings under this Act shall be a first charge on the property of the party ordered to pay the costs and shall be recoverable in such manner as may be prescribed.

45. Notice how served.—Any notice required to be served under this Act shall be served in the manner provided in the Code of Civil rocedure, 1908, until rules are made in that behalf, under this Act, when it shall be served in such manner as may be prescribed.

46. Provisions of Civil Procedure Code to apply to proceedings.—Save as otherwise expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings under this Chapter :

Provided that the Court may in an appropriate case and on such terms as may appear to it to be just, exercise its powers to add or strike out parties under rule 10 of Order I of the said Code in any proceeding pending before it under section 4 or section 24, notwithstanding the fact that such addition or striking out of parties is to be made after the period specified in section 4 or section 24 as the case may be, has elapsed.

CHAPTER III.

Registration of Awards.

47. Debt Adjustment Register and Index.—In all Registration ffices, a book called the "Register of Debt Adjustment Awards" and an index relating thereto shall be kept. The Book and Index shall be kept in such form and shall contain such particulars as may be prescribed.

48. Court to send Awards and Memorandum to Registrars and Sub-egistrars.—Where an award is required to be registered under section 38, it shall be the duty of the Court making an award to send to the Sub-Registrar of the Sub-District in which the property which is the subject matter of the award or any part of such property is situated, or if there is no Sub-Registrar for the area, to the Registrar

of the District in which the property or its part is situated, a certified copy of the award, after the court fee has been paid thereon in accordance with section 44, together with a Memorandum containing such particulars as may be prescribed.

49. Notice of appeals to Registrars.—If a party files an appeal against an award under section 43 and if such award has been registered under section 37, it shall be the duty of the Court in which the appeal is filed, to send to the Sub-Registrar or the Registrar to whom a certified copy of the award has been sent under section 48, a notice regarding the institution of the appeal.

50. Registration.—After the expiry of the period provided for an appeal against an award, if no appeal is filed or if an appeal is filed, after the disposal of the said appeal, the Sub-Registrar or the Registrar, as the case may be, shall register the award in the Register of Debt Adjustment Awards and shall also enter particulars in the Index kept under section 48.

51. Registration of awards under the repealed Debt Conciliation Act.—All awards made under the repealed Debt Conciliation Act, whether registered before the commencement of this Act under the provisions of the said Act or not, shall be registered under this Chapter :

Provided that, notwithstanding anything contained in section 46 no additional court fee shall be paid on such awards under the said section.

52. Notice of awards.—Any person acquiring any property or any part thereof, or any share or interest in, the property of a debtor, for adjustment of whose debts an award has been made, and registered, shall be deemed to have notice of the award as from the date of the registration under this Chapter.

53. Application of the Indian Registration Act.—Except as herein provided, the provisions of the Indian Registration Act, 1908, shall *mutatis mutandis* apply to the registration of awards, and the words and expressions used in this Chapter, but not defined in this Act, shall have the meanings assigned to them in the Indian Registration Act, 1908.

CHAPTER IV.

INSOLVENCY PROCEEDINGS.

54. Court to declare debtor insolvent in certain circumstances.—(1) If, at any stage of the proceedings in Chapter II, the Court finds that the income of the debtor and his immovable property are not sufficient to allow his debts to be liquidated by annual payments not exceeding twelve in number the Court shall make an order adjudicating the debtor an insolvent.

(2) If, at any time after the expiration of two years from the date of an award, the debtor satisfies the Court that there is no reasonable probability of his being in a position to pay the remaining amount of instalments fixed under the award, the Court may, notwithstanding anything contained in this Act, after giving notice to the creditors, modify the terms of the award and reduce the amount of the instalments as it may think fit, provided that the total annual instalments in which the balance of the debts shall be paid in such instalments shall not exceed twenty, or the Court may make an order adjudicating the debtor an insolvent.

(3) After the debtor has been adjudicated an insolvent, the Court shall direct that such portion of the property of the debtor, other than the property of such debtor exempt from attachment and sale under section 60 of the Code of Civil Procedure, 1908 (excluding such portion thereof as the State Government shall from time to time notify as the minimum necessary for the maintenance of the debtor and the dependents) as may be required to liquidate the debts of the debtor, shall immediately be sold free of all encumbrances in liquidation of all debts outstanding against such debtor.

55. Procedure in insolvency proceedings.—An order of adjudication made under sub-section (1) or (2) of section 54 shall have the force of an order made by a competent Court in the exercise of its powers under section 27 of the Provincial Insolvency Act, 1920,

* * * *

56. Distribution of assets of insolvent.—The proceeds realised by the sale of the property of the insolvent under section 56 shall be distributed in the order of priority specified in clause (iii) of sub-section (2) of section 31.

57. Bar to application in insolvency in any other Courts.—No application or proceeding in regard to the insolvency of a debtor shall be dealt with by any other Court.

58. Appeals barred.—Save as provided by sub-clause (g) clause (1) of section 43, no appeal shall lie from an order passed under this Chapter.

CHAPTER V.

MISCELLANEOUS.

59. Bar of civil suits or proceedings.—Except as otherwise provided by this Act, and notwithstanding anything contained in any other law, no civil Court shall entertain or proceed with any suit or proceeding in respect of—

(i) any matter pending before the Court under this Act, or

(ii) the validity of any procedure or the legality of any award, order or decision of the Court or of the Board established under the repealed Debt Conciliation Act, or

(iii) the recovery of any debt made payable under such award.

60. Period of proceedings before courts under this Act to be excluded.—In computing the period of limitation for the institution of any suit or proceeding in respect of any debt due from any person who is held not to be a debtor by the Court or the Court in appeal or an application relating to which has been dismissed by the Court or the Court in appeal, the period during which the proceedings in respect of such debt were prosecuted before the Court or the Court in appeal shall be excluded.

61. Power of Government to authorise any person to advance loans to debtors.—(1) The State Government or any Officer empowered by it may, by notification, authorise in any local area any person to advance loans for financing of crops or seasonal finance to debtors, who are parties to any proceedings under this Act or in respect of whose debts an adjustment has been made under this Act.

(2) Such authority shall be granted on such conditions as may be prescribed.

62. Alienation of standing crops, etc., before repayment of loans prohibited.—(1) No person, who is or was a party to any proceedings or award under this Act, and who is indebted to any person authorised to advance loans under section 61 of this Act on account of any loan advanced to him for the financing of the crops or seasonal finance under this Act, shall hypothecate or sell the standing crops or the produce of his land without the previous permission of the person until such loan has been repaid in full.

(2) Any person, who hypothecates or sells the standing crops or the produce of his land in contravention of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees.

(3) No criminal court shall take cognizance of any offence under this section, except on the complaint in writing of the Court before which the proceedings were held or which made the award.

63. Rules.—(1) The State Government may, by notification and subject to the condition of previous publication, from time to time, make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following purposes, namely:—

(*a*) the purposes for which loans may be advanced under clause (14) of section 2;

(*b*) the form of application under sub-section (2) of section 4 and the manner of signing, verification and presentation thereof;

(*c*) the form of application and the manner of signing and verification thereof under sub-section (2) and the manner of giving notice under sub-section (3) of section 8;

(*d*) the manner of giving notice and publication of general notice and the form of statement to be submitted under section 14;

(*e*) the inventories of property, lists of creditors and of debtors and of debts due to and from the debtor, the examination in respect of property or creditors the time at which the

debtors shall attend before the Court and do other things in relation to property under sub-section (1) of section 16 and the production of books of account, the examination to be submitted to and the information to be supplied by a creditor in respect of the debt due to him by the debtor under sub-section (2) of section 16;

(*f*) the manner of determining the value of property and other assets under sub-section (1) and the manner of calculating the market value of the lands under sub-section (4) of section 28;

(*g*) the form of award under sub-section (2) of section 31 and sub-section (2) of section 32;

(*h*) the form of application under clause (i) of sub-section (3) of section 37;

(*i*) the manner in which property may be sold under section 41

(*j*) the manner of recovery of Court fees under sub-section (2) of section 44;

(*k*) the manner of service of notice under section 45;

(*l*) the form of and the particulars to be included in the Register of Debt Adjustment Awards and the Index kept under section 47;

(*m*) the particulars to be included in the Memorandum under section 48; and

(*n*) the conditions on which authority to grant loans shall be granted under sub-section (2) of section 61.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Repeal and savings.—(1) The Mysore Debt Conciliation Act, 1937 (Mysore Act No. VI of 1937), in force in the Mysore Area, the Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936), in force in the Madras Area, and the Debt Conciliation Act, 1940 (Coorg Act II of 1940), in force in the Coorg District, are hereby repealed and all Boards established under the repealed Acts shall stand dissolved from the date of repeal in the respective Areas:

Provided that—

(*a*) all proceedings pending before any such Board on the date this Act comes into force **shall, subject to the pecuniary limits of the jurisdiction of the Court, be continued and disposed of by the Court under this Act, as if the application under section 4 had been made to the Court in respect thereof;

(*b*) all awards made, confirmed or modified under the repealed Act shall be deemed to have been made, confirmed or modified under this Act, as if this Act was in force on the date when the said awards were made, confirmed or modified as the case may be;

(*c*) all appeals pending before any Court under the repealed Acts against the decision, order or award of such Board shall be continued and disposed of, as if the said appeals were filed under the provisions of this Act; and

(*d*) all appeals which could have been filed under the repealed Acts against any decision, order or award of such Board, but which could not be filed only by reason of the fact that the said Act was repealed by this Act shall, when filed before a competent Court, be deemed to have been filed under the provisions of this Act and shall be disposed of accordingly.

(2) The Mysore Agriculturists' Relief Act, 1938 (Mysore Act XVIII of 1938), in force in the Mysore Area, the Madras Agriculturists' Relief Act, 1938 (Madras Act IV of 1938), in force in the Madras Area, the Bombay Agricultural Debtors Relief Act, 1947 (Bombay Act XXVIII of 1947), in force in the Bombay Area, and the Hyderabad Agricultural Debtors Relief Act, 1956 (Hyderabad Act XVI of 1956), in force in the Hyderabad Area are hereby repealed.

* * * * *

Provided that such repeal shall not affect the previous operation of the Acts so repealed and anything done or any action taken (including Courts established or constituted, rules or orders made, forms prescribed, notifications or notices issued and proceedings instituted) by or under the provisions thereof, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act :

Provided further that all proceedings pending before any Court or authority shall stand transferred to the competent Court or authority under this Act, and if there be a doubt as to the competency of the Court or authority, to such Court or authority as the High Court may designate and shall be continued before and disposed of by such Court or authority.

T. HANUMANTHAPPA,
Secretary,
Mysore Legislature.

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PART IV 2 A

BANGALORE, MONDAY, OCTOBER 11, 1965
(ASVIJA 19, SAKA ERA 1887.)

No. 188

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 10 24 L.A., dated Bangalore 1, 11th October 1965

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **City of Bangalore Municipal Corporation (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

The City of Bangalore Municipal Corporation (Amendment) Bill, 1965

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1965.

(2) It shall come into force at once.

2. *Amendment of section* 19.—In section 19 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) (hereinafter referred to as the principal Act),—

(1) in sub-section (1), for the words " two standing committees ", the words " one standing committee " shall be substituted ;

(2) in sub-section (2), for the words " unless he sooner resigns the same, till his term of office as councillor is in any manner determined ", the words " for a period of one year from the date of constitution of such standing committee, unless he sooner resigns the same or ceases to be a councillor " shall be substituted.

3. *Amendment of section* 43.—In section 43 of the principal Act,—

(1) in clause (*b*), after the word "statistics", the words "relating to the proceedings, duties or works of the Corporation or any of the municipal authorities" shall be added;

(2) in clause (c), after the words "or obtain", the words "and furnish" shall be inserted.

4. *Substitution of new section for section* 44.—For section 44 of the principal Act, the following section shall be substituted, namely :—

"44. *Inspection.*—The Government may depute any officer to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every municipal authority and all municipal officers and other municipal employees shall be bound to afford the officer so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties."

5. *Amendment of section* 45.—In section 45 of the principal Act,—

(*a*) after the words and figures "under section 43 or 44", the words "or otherwise" shall be inserted; and

(*b*) after the words "as the case may be", the words "and the Corporation or the Commissioner shall comply with such order" shall be inserted.

6. *Insertion of new section* 47*A*.—After section 47 of the principal Act, the following section shall be inserted, namely :—

"47A. *Supersession of the Corporation.*—(1) If, in the opinion of the Government, the Corporation is not

competent to perform, or persistently makes default in the performance of the duties imposed on it or undertaken by it by or under this Act, or any other law, or exceeds or abuses its powers, or fails to carry out the directions given to it under the provisions of this Act or any other law, the Government may by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the Corporation to be incompetent or in default, or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, as the case may be, and may supersede it for such period as may be specified in the order :

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the Corporation to show cause why such order should not be made.

(2) When the Corporation is superseded by an order under sub-section (1),—

(*a*) all the councillors of the Corporation shall, on such date as may be specified in the order, vacate their office as such councillors without prejudice to their eligibility for election under sub-section (4) ;

(*b*) during the period of supersession of the Corporation all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf ;

(*c*) all property vested in the Corporation shall, until it is reconstituted, vest in the Government.

(3) If, after enquiry made, the Government so directs, then, notwithstanding the term of the councillors of the superseded Corporation, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date

as may be fixed by the Government for reconstitution of the Corporation.

(4) After the Corporation is superseded it shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder applicable thereto—

(*a*) if no direction has been made under sub-section (3), before the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), before such date as is fixed under that sub-section for the reconstitution of the Corporation.

(5) An order of supersession of the Corporation under sub-section (1) and an order under sub-section (3) together with a statement of the reasons therefor shall be laid before both Houses of the State Legislature as soon as may be after it is made."

7. *Insertion of new section 74A.*—After section 74 of the principal Act, the following section shall be inserted, namely :—

"74A. *Provision relating to land and other properties.*—(1) Any land or other property transferred to the Corporation by the Government shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the Corporation, but shall vest in it subject to the terms and conditions of the transfer, and on the contravention of any of the said terms and conditions, the land or other property with all things attached thereto, including all fixtures and structures thereon, shall vest in the Government and it shall be lawful for the Government by order to resume possession thereof.

(2) It shall be competent to the Government from time to time, by notification, to take over any land or other

property vested or vesting in the Corporation under this Act, on such terms as the Government may determine."

8. *Amendment of section* 98.—In sub-section (3) of section 98 of the principal Act, the words, brackets and figures " but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied provided that such reduction does not contravene the proviso to sub-section (2) of section 99 " shall be omitted.

9. *Substitution of new section for section* 122.—For section 122 of the principal Act, the following section shall be substituted, namely :—

" 122. *Payment of tax.*—Every person liable to pay tax on a carriage or animal under section 118, shall, not later than fifteen days from the date of commencement of the half-year concerned, pay the amount of such tax in respect of such carriage or animal."

10. *Amendment of Schedule III.*—In Part VI of Schedule III to the principal Act,—

(1) after rule 22, the following rule shall be inserted, namely :—

" 22A. (1) The Divisional Commissioner, Bangalore Division, may, *suo motu* or otherwise call for and examine the record of any proceeding relating to assessment of any tax under this Act and these rules, by the Commissioner or the Taxation Appeals Committee, and if he considers that any order or decision therein is erroneous in so far as it is prejudicial to the interests of the revenues of the Corporation, he may, after giving the assessee an opportunity of being heard and after making or causing to be made such inquiry as he deems necessary pass such order thereon as the circumstances of the case justify including an order enhancing or modifying the assessment of any tax.

(2) For purposes of sub-rule (1), the Divisional Commissioner shall have all the powers of the Government under sections 43 and 44.";

(2) in rule 23,—

(*a*) in sub-rule (a),

(i) for the words "District Court, Bangalore Division", the words "District Court, Bangalore District" shall be substituted;

(ii) after the words and figures "under rule 22", the words, figures and letter "or any order of the Divisional Commissioner, Bangalore Division, under rule 22A" shall be inserted;

(iii) for the words "date of the decision", the words "date of such decision or order, as the case may be," shall be substituted;

(*b*) in sub-rule (c), for the words, figures and brackets "the Indian Limitation Act, 1908 (Central Act IX of 1908)" the words, figures and brackets "the Limitation Act, 1963 (Central Act 36 of 1963)" shall be substituted;

(3) in rule 27, after the words "the decision of the Taxation Appeals Committee", the words "or order of the Divisional Commissioner, Bangalore Division, as the case may be", shall be inserted:

(4) for rule 28, the following rule shall be substituted, namely:—

"28. Subject to any order of the District Court or the Divisional Commissioner or the decision of the Taxation Appeals Committee or the orders passed by the Commissioner, the assessment or demand of any tax shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this

rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith."

11. *Amendment of Schedule* IV.—In Part III of Schedule IV to the principal Act, rules 22, 23, 24 and 25 shall be renumbered as rules 21, 22, 23 and 24 respectively.

STATEMENT OF OBJECTS AND REASONS.

No provision exists in the City of Bangalore Municipal Corporation Act, 1949 for inspection of any municipal department or office or work undertaken by the Corporation or any property belonging to the Corporation, etc., whereby Government could assess the efficient and effective working of the Corporation. Nor is there any provision empowering Government to supersede the Corporation in the event of its failure to discharge the various functions and responsibilities assigned to it under the Act. In order to ensure that the civic administration of the Corporation is carried out smoothly and in accordance with the statutory provisions of the Act, it is proposed to invest Government with the powers of inspection, supersession, etc. It is also necessary to ensure that the Government properties transferred to the Corporation are utilised for the purposes for which they are placed at the disposal of the Corporation. Further it is also necessary to empower a suitable authority to hear and dispose of taxation appeals. With these objects in view, it is proposed to amplify and revise the relevant provisions of the Act by means of the proposed amendments. Hence this Bill.

R. M. PATIL,

T. HANUMANTHAPPA,
Secretary.

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PART IV—2-A

BANGALORE, MONDAY, OCTOBER 11, 1965 (ASVIJA 19, SAKA ERA 1887.) | No. 189

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 10125—L.A., Bangalore-1, dated 11th October 1965

Under Rule 61 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Contingency Fund (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE CONTINGENCY FUND (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Contingency Fund Act, 1957.

WHEREAS it is expedient further to amend the Mysore Contingency Fund Act, 1957 (Mysore Act 11 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Contingency Fund (Amendment) Act, 1965.

2. **Amendment of Section 2.**—In section 2 of the Mysore Contingency Fund Act, 1957 (Mysore Act 11 of 1957) for the words "two crores of rupees", the words "four crores of rupees" shall be substituted.

Statement of Objects and Reasons

According to section 2 of the Mysore Contingency Fund Act, 1957, a sum of rupees two crores can be paid from and out of the Consolidated Fund of the State to the Contingency Fund. As this sum is found insufficient for making emergent payments like food operations or schemes for which additional assistance is sanctioned by the Government of India after the Budget is passed by the Legislature or other inevitable payments it is considered necessary to raise the amount to be paid into the Contingency Fund from two crores of rupees to four crores of rupees. In other neighbouring States the corpus of contingency fund has been fixed as under.—

Maharashtra	...	...	Seven crores
Madras	...	...	Five crores
Andhra Pradesh	...	...	Five crores

RAMAKRISHNA HEGDE.

T. HANUMANTHAPPA,
Secretary.

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BANGALORE, MONDAY, OCTOBER 11, 1965 (ASVIJA 19, SAKA ERA 1887). No. 190

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 10126/L.A., dated Bangalore-1, 11th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Bill, 1965, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS AND CONTINUANCE OF ADMINISTRATORS) BILL, 1965.

A Bill to provide for the postponement of elections to certain local authorities and the continuance of Administrators of local authorities.

WHEREAS the President of India has issued a Proclamation of Emergency under clause (1) of Article 352 of the Constitution of India;

AND WHEREAS during the present period of continuance of the Emergency it is necessary to postpone the elections to certain local authorities and to continue administrators in respect of certain other local authorities;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Act, 1965.

(2) It shall come into force at once.

2. Definitions :—In this Act, unless the context otherwise requires,—

(*a*) "local authority" means a local authority constituted or established under any of the Acts specified in the Schedule to this Act and includes any body functioning under such Act as is specified in column (1) thereof;

Explanation:—For the purposes of this clause 'any body functioning under such Act' shall include any body functioning under section 381 of the Mysore Municipalities Act, 1964;

(*b*) "Proclamation of Emergency" means the Proclamation issued by the President of India on the 26th October 1962, under clause (1) of Article 352 of the Constitution of India;

(*c*) "relevant Act" in respect of any local authority specified in column (1) of the Schedule to this Act means the Act specified in the corresponding entry in column (2) of the said Schedule, under which it is constituted or established, or continued to exercise the powers and perform the functions of any such authority.

3. Postponement of elections:—(1) On the commencement of this Act and during the continuance of the operation of the Proclamation of Emergency, notwithstanding any judgment, decree or order of any court or other authority or anything contained in any enactment by or under which any local authority is constituted or established, or continued,—

(*a*) no general election to, or election to fill any casual vacancy in, any local authority shall be held, or if any such election has commenced, but the poll has not taken place, the election shall not be completed;

(*b*) the term or extended term of office of the councillors or members of the local authorities, who are in office on the date of commencement of this Act. (and whose term or extended term will expire during the period of operation of the Proclamation of Emergency), shall be deemed to be extended up to and inclusive of the last day on which the Proclamation of Emergency remains in operation:

Provided that after the expiry of the term of the said councillors or members of the local authorities as so extended by this section they shall continue in office until the first meeting of the reconstituted local authority at which a quorum is present.

(2) Nothing in sub-section (1) shall be deemed to preclude the supersession of any local authority in accordance with the provisions of the relevant Act.

4. Power to appoint Administrator:—Notwithstanding anything contained in Section 3, if at any time it appears

to the State Government that any local authority is, by reason of the absence of a quorum or for any other reason, unable to exercise the powers and perform or discharge the duties and functions conferred or imposed on it by or under the relevant Act or any other law for the time being in force, the State Government may by notification in the official Gazette, appoint an administrator who shall exercise all the powers and perform and discharge the duties and functions of such local authority for such period or periods not exceeding the periods mentioned in clause (*b*) of sub-section (1) of Section 3, and until the first general meeting of the reconstituted local authority, at which a quorum is present.

5. Continuance of Administrators :—Notwithstanding anything contained in any enactment, where in respect of any local authority an Administrator has been appointed before the commencement of this Act, the State Government may by order, from time to time, continue the period of such appointment during the period of operation of the Proclamation of Emergency.

6. Advisory Council:—The State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the Administrator appointed under Section 4 or continued under Section 5 in the exercise of his powers and the performance and discharge of his duties and functions. The members of the Advisory Council shall hold office during the pleasure of the State Government.

7. Application of relevant Act :—Except as otherwise provided by this Act, the relevant Act shall in all other respects apply to the local authority concerned.

8. Certain acts not to have any effect :— Notwithstanding any judgment, decree or order of any court or anything contained in any enactment or law, anything done or any action taken (including notifications, notices, or orders issued or poll taken) in respect of any general election to, or election to fill any casual vacancy in any local authority, where such general election or election to

fill the casual vacancy has not been wholly completed, shall not have any effect whatsoever and the provisions of sections 3 and 4 shall have effect as if no such thing was done or action was taken.

9. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act or in giving effect to the provisions of any relevant Act or any other law for the time being in force relating to any local authority, in respect of which an order has been made under section 4 or 5, the State Government may, as occasion requires, by notification in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

10. Repeal :—The Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Ordinance, 1965 is hereby repealed :

Provided that any order issued, anything done or any action taken under the said Ordinance shall be deemed to have been issued, done or taken under the corresponding provision of this Act.

SCHEDULE

(*See* Section 2)

Local authorities (1)	Act (2)
The Corporation of the City of Hubli-Dharwar.	The Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949).
The Corporation of the City of Bangalore.	The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949).
Municipal Councils and other Municipal Bodies.	The Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964).
Taluk Development Boards.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).
Town Panchayats and Village Panchayats.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).

Statement of Objects and Reasons.

In view of the situation prevailing in the country consequent on the aggression by Pakistan on India, it was necessary to ensure that the wholehearted attention of the people was devoted to the task of defending the country. Therefore as it was not in public interest to have elections to local authorities which will divert the attention of the people from their primary task of defending the motherland it became necessary to postpone the holding of elections to local authorities during the period of operation of the Proclamation of Emergency. As the matter was urgent and as the Houses of Legislature were not in Session an Ordinance was promulgated by the Governor. This Bill is intended to repeal and replace the Ordinance.

R. M. PATIL

T. HANUMANTHAPPA,
Secretary.

Statement under sub-rule (1) of rule 70 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly regarding promulgation of the Mysore Local Authorities (Postponement of Elections and Continuance of administrators) Ordinance, 1965.

The aggression by Pakistan and the threat of aggression by China on India, has necessitated the taking of all possible action by the people of India to defend the freedom of the country by devoting undivided attention to this task. At present it is not in public interests to have elections to local authorities, which will divert the attention of the people from their primary duty for the Motherland. In order to enable the people to attend to this duty, it was considered necessary to postpone all elections to local authorities and continue the *status quo*. As the Houses of Legislature were not in Session, the Ordinance was promulgated to postpone the elections.

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MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 10127/L.A., Bangalore-1, dated 11th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Maternity Benefit Repealing Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE MATERNITY BENEFIT REPEALING BILL, 1965.

A Bill to repeal the Mysore Maternity Benefit Act, 1959.

WHEREAS it is expedient to repeal the Mysore Maternity Benefit Act, 1959 (Mysore Act 4 of 1960) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Maternity Benefit Repealing Act, 1965.

2. **Repeal of Mysore Act 4 of 1960.**—The Mysore Maternity Benefit Act, 1959 (Mysore Act No. 4 of 1960), shall stand repealed on the date notified by the State Government under clause (*b*) of sub-section (3) of section 1 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961):

Provided that the repeal shall not affect—

(*a*) the previous operation of the Act so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Act, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Act had not been repealed :

Provided further that subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule or form framed or certificate obtained under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of the Maternity Benefit Act, 1961 (Central Act 53 of 1961) and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

STATEMENT OF OBJECTS AND REASONS.

The Maternity Benefit Act, 1961, which has been enacted by the Parliament to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits extends, when it is brought into force, to the whole of India except the State of Jammu and Kashmir. It is therefore necessary to repeal the Mysore Maternity Benefit Act, 1959. Hence this Bill.

D. DEVARAJ URS.

T. HANUMANTHAPPA,
Secretary.

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BANGALORE, SATURDAY, OCTOBER 16, 1965
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No. 199

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 10492—L. A., Dated Bangalore, 16th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **the Mysore Sales of Motor Spirit Taxation (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Sales of Motor Spirit Taxation Act, 1957.

WHEREAS it is expedient further to amend the Mysore Sales of Motor Spirit Taxation Act, 1957 (Mysore Act 20 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.— (1) This Act may be called the Mysore Sales of Motor Spirit Taxation (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 3.—In sub-section (1) of section 3 of the Mysore Sales of Motor Spirit Taxation Act, 1957 (Mysore Act 20 of 1957), for the words "five naye paise per litre", the words "eight paise per litre" shall be substituted.

Statement of Objects and Reasons

With a view to augmenting the resources of the State, it is considered necessary to raise the rate of tax on the sales of motor spirit other than petrol to the level of the rate prevailing in the neighbouring State. Hence the Bill.

RAMAKRISHNA HEGDE.

T. HANUMANTHAPPA,
Secretary.

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No. 200

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 10526—L.A., dated Bangalore, 16th October 1965.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Sales Tax (Amendment) Bill, 1965,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE SALES TAX (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Sales Tax Act 1957.

WHEREAS it is expedient further to amend the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Mysore Sales Tax (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may by notification in the official Gazette appoint.

2. **Amendment of section 5.**—In section 5 of the Mysore Sales Tax Act, 1957 (hereinafter referred to as the principal Act),—

(1) in the second proviso to sub-section (1), for the words "gunny bags and bardans", the words "gunny bags and bardans and hessian cloth" shall be substituted ;

(2) in sub-section (2), for the words, figures and brackets "on the sale of any goods in respect of which he has furnished a declaration under sub-section (4) of section 8 of the Central Sales Tax Act, 1956", the words, figures and brackets "on the sale of any goods which he has purchased in the course of inter-state trade or commerce in respect of which the concessional rate of tax under clause (b) of sub-section (1) of section 8 of the Central Sales Tax Act, 1956, has been levied" shall be substituted ;

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) Notwithstanding anything contained in sub-section (1) or sub-section (3), the tax payable by a dealer in respect of any sale of goods mentioned in the Second Schedule by such dealer to a registered dealer for use by the latter as component part of any other goods mentioned in

that Schedule, which he intends to manufacture inside the State for sale, shall be at the rate of two per cent or the rate specified in the Second Schedule in respect of such goods whichever is lower on the turnover relating to such sale;

* * * * *

PROVIDED that the provisions of this sub-section shall not apply to any sale unless the dealer selling the goods furnishes to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority.

Explanation:—For the purpose of this sub-section, "component part" means an article which forms an identifiable constituent of the finished product and which along with others goes to make up the finished product."

3. Amendment of section 12.—In section 12 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) When making any assessment under sub-section (3) the assessing authority may also direct the dealer to pay, in addition to the tax assessed, a penalty not exceeding one and a half times the amount of tax due on the turnover that was not disclosed by the dealer in his return or, in the case of failure to submit a return, one and a half times the tax assessed, as the case may be."

4. Amendment of section 12 B.—After sub-section (2) of section 12 B of the principal Act, the following proviso shall be inserted, namely:—

"Provided that in the case of an assessment made under clause (b) or clause (c), the assessing authority may make a fresh assessment under clause (a) if on the completion of the final assessment for the preceding year it is found that the amount of tax finally assessed for the

preceding year is more than the amount of tax provisionally fixed for the current year under clause (b) or clause (c)."

5. Amendment of section 13.—In section 13 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), the State Government may, subject to such conditions as may be prescribed, remit the whole or any part of the penalty payable in respect of any period by any person or class of persons."

6. Amendment of section 17.—In sub-section (1) of section 17 of the principal Act for the table of rates, the following table shall be substituted, namely :—

"

Total turnover	Rate
(i) Where the total turnover is not less than seven thousand and five hundred rupees but is less than ten thousand rupees.	Seven rupees and fifty paise per mensem.
(ii) Where the total turnover is not less than ten thousand rupees, but is less than fifteen thousand rupees.	Fifteen rupees per mensem.
(iii) Where the total turnover is not less than fifteen thousand rupees, but is less than twenty thousand rupees.	Twenty rupees mensem.
(iv) Where the total turnover is not less than twenty thousand rupees, but not more than twenty five thousand rupees.	Twenty five rupees per mensem.

",

7. Amendment of section 18 :—In section 18 of the principal Act, sub-sections (3) and (4) shall be omitted.

8. Amendment of section 22 :—In sub-section (1) of section 22 of the principal Act, for the words and figures " under section 20 or section 21 ", the words, figures and letter " under section 12A or section 20 or section 21 " shall be substituted.

9. Amendment of section 36:—For clause (c) of section 36 of the principal Act, the following clause shall be substituted, namely :—

" (c) subject to such conditions as may be prescribed, by an Accountant or by a person enrolled in the prescribed manner as a Sales Tax Practitioner by the Commissioner, and duly authorised by the person whom he represents. "

10. Amendment of section 38.—In sub-section (2) of section 38 of the principal Act, after clause (j-4), the following clause shall be inserted, namely:—

"(j-5) the qualification and disqualification of Sales Tax Practitioners, the procedure for their enrolment, the fees payable for enrolment and the fees payable for annual renewal of such enrolment ;"

11. Amendment of the Second Schedule.—In the Second Schedule to the principal Act,—

(1) serial number 26 shall be omitted ;

(2) in the third column of serial number 37, for the words "two per cent", the words "four per cent" shall be substituted;

(3) serial number 41 shall be omitted;

(4) serial number 81 shall be omitted;

(5) after the entry relating to serial number 82, the following entry shall be inserted, namely:—

"83. Handlooms and parts and accessories thereof ....Two per cent"

12. Amendment of the Third Schedule :— In the Third Schedule to the principal Act,—

(1) in column 3 of serial number 4 for the abbreviation "do", the words "Purchase by the last dealer in the State liable to tax under this Act" shall be substituted ;

(2) serial number 6 shall be omitted ;

(3) in column 3 of serial number 7, for the abbreviation "do", the words "Purchase by the first or earliest of successive dealers in the State liable to tax under this Act," shall be substituted.

13. Amendment of the Fourth Schedule:—In the Fourth Schedule to the principal Act,—

(1) in the entry relating to serial number 5 (b), after the words "coconut and copra" in column 2, the following words shall be added, namely :—

> " Cardamom, castor seeds, Honge seeds, Neem seeds, Till (Gingelly) seeds, Kusum (Kardi) seeds and Niger (Ram Til);"

(2) in the entry relating to serial number 5 (d), for the entry in column 3 thereof, the words "Sale by the first or earliest of successive dealers in the State liable to tax under this Act," shall be substituted ;

(3) in column 4 of serial number 6, for the words " one per cent " the words " two per cent " shall be substituted.

14. Amendment of the Fifth Schedule :—In the Fifth Schedule to the principal Act,—

(1) in the entry relating to serial number 22, after item (iii), the following item shall be added, namely—

> " (iv) by canteens which are run in factories and other industrial concerns as an amenity provided for the employees of such factories or concerns on a " no profit " basis under the provisions of

the Factories Act, when such articles are sold, supplied or distributed to such employees.";

(2) after the entry relating to serial number 41, the following entry shall be added, namely:—

"42. Electrical instruments sold to Educational Institutions for use as teaching aids."

Statement of Objects and Reasons

With a view to augmenting the resources of the State, it is considered necessary to rationalise and remove the differences in the rate structure as compared to rates of tax in the neighbouring State. The opportunity has been taken to make certain other amendments considered necessary. Hence this Bill.

RAMAKRISHNA HEGDE

T. HANUMANTHAPPA,
Secretary.

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No. 201

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

Bangalore, dated 16th October 1965.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **the Mysore Motor Vehicles Taxation (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Motor Vehicles Taxation Act, 1957.

WHEREAS, it is expedient further to amend the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Motor Vehicles Taxation (Amendment) Act, 1965.

(2) It shall come into force on the first day of January 1966.

2. Amendment of the Schedule.—In the Schedule to the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957),—

(1) in Part 'A', for item 3, the following item shall be substituted, namely :—

"3. Goods Vehicles.—

(i)	(a) Dot Motor Cycle trucks not exceeding 300 Kgs. in weight laden.	Rs. 45—00	Rs. 55—00
	(b) Vehicles not exceeding 1,000 kgs. in weight, laden.	79—00	112—00
	(c) Vehicles exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden.	145—00	212—00
	(d) Vehicles exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden.	172—00	252—00
	(e) Vehicles exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden.	212—00	312—00
	(f) Vehicles exceeding 3,000 kgs but not exceeding 4,000 kgs in weight laden.	270—00	405—00
	(g) Vehicles exceeding 4,000 kgs but not exceeding 5,500 kgs. in weight laden.	400—00	600—00
	(h) Vehicles exceeding 5,500 kgs but not exceeding 7,000 kgs. in weight laden.	500—00	750—00
	(i) Vehicles exceeding 7,000 kgs. but not exceeding 8,500 kgs. in weight laden.	600—00	900—00

	Rs.	Rs.
(j) Vehicles exceeding 8,500 kgs. but not exceeding 9,500 kgs. in weight laden.	650—00	975—00
(k) Vehicles exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	700—00	1050—00
(l) Vehicles exceeding 10,500 kgs. in weight laden	800—00	1200—00
(ii) Additional Tax payable in respect of goods vehicles specified in paragraph (i) used for drawing trailers:—		
(a) For each trailer, not exceeding 1,000 kgs. in weight laden ...	50 00	75—00
(b) For each trailer, exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	99—00	150—00
(c) For each trailer, exceeding 1,500 kgs. but not exceeding 2,000 kgs in weight laden ...	113—00	169—00
(d) For each trailer, exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden	158—00	236—00
(e) For each trailer, exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden	203 00	304—00
(f) For each trailer, exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	300—00	450—00
(g) For each trailer, exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden.	375—00	563—00
(h) For each trailer, exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight laden	450—00	675—00
(i) For each trailer, exceeding 9,000 kgs. but not exceeding 9,500 kgs. in weight laden	487—50	731—25
(j) For each trailer, exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden.	525—00	787—00
(k) For each trailer, exceeding 10,500 kgs. in weight laden	600— 00	900—00

Provided that two or more goods vehicles shall not be chargeable under this clause in respect of the same trailer."

(2) in Part 'B' for item 5, the following item shall be substituted, namely :—

" 5. Goods Vehicles :—	Rs.	Rs.
(i) (e) Goods vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden.	84—00	101—00
(f) Goods vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	45—00	135—00
(g) Goods vehicles exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden	58—00	174—00
(h) Goods vehicles exceeding 7,000 kgs. but not exceeding 8,500 kgs. in weight laden	78—00	231—00
(i) Goods vehicles exceeding 8,500 kgs. but not exceeding 9,500 kgs. in weight laden.	83—00	247—00
(j) Goods vehicles exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	100—00	300—00
(k) Goods vehicles exceeding 10,500 kgs. in weight laden	120—00	360—00
(ii) Additional tax payable in respect of goods vehicles used for drawing trailers :—		
(a) For each trailer not exceeding 1,000 kgs. in weight laden ...	6—50	19—00
(b) For each trailer exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight laden	12—50	37—50
(c) For each trailer exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight laden	14—00	43—00
(d) For each trailer exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight laden	20—00	59—00
(e) For each trailer exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight laden	26—00	76—00
(f) For each trailer exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight laden	34—00	101—00
(g) For each trailer exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight laden.	44—00	161—00

	Rs.	Rs.
(h) For each trailer exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight laden	59—00	173—00
(i) For each trailer exceeding 9,000 kgs. but not exceeding 9,500 kgs. in weight laden	62—00	185—00
(j) For each trailer exceeding 9,500 kgs. but not exceeding 10,500 kgs. in weight laden	75—00	225—00
(k) For each trailer exceeding 10,500 kgs. in weight laden.	90—00	270—00

Statement of Objects and Reasons.

1. It is considered' necessary that for the effective implementation of the Fourth Five-Year Plan ways and means for the additional resources have to be devised for meeting the increased expenditure that has to be incurred to fulfil the financial and physical targets fixed to be completed and hence the levy of increased rates of taxes in respect of goods vehicles is inevitable.

2. The rates of levy of motor vehicles taxes in respect of goods vehicles of certain higher laden weight prevailing in Madras State are slightly higher than those prevailing in Mysore State. The rates of tax now sought to be increased on goods vehicles will be on par with the rates of taxes prevailing in Madras State. The intention to increase the rates of tax in respect of certain vehicles of higher laden weight is to increase the Government revenue. The estimated additional income from this increase is likely to be about 23 lakhs per annum.

D. DEVARAJ URS.

T. HANUMANTHAPPA,
Secretary.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-A

BANGALORE, SATURDAY, OCTOBER 16, 1965
(ASVIJA 24, SAKA ERA 1887) | No. 202

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 10637/L.A. dated Bangalore, the 16th October 1965.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment, Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1965.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1965.

(2) It shall come into force at once.

2. Amendment of section 10.—In sub-section (1) of section 10 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957),—

(1) clause (a) shall be omitted;

(2) for item (ii), the following item shall be substituted, namely:—

"(ii) different in respect of water supplied, made available or used from different irrigation works, and when water is supplied, made available or used for irrigation of any land, with or without reference to the crop or crops grown or which may be grown on such land;".

Statement of Objects and Reasons.

At present water rate is leviable under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 with reference to water supplied, made available or used with reference to different crops grown or which may be grown.

It is considered necessary to amend section 10 (1 providing for the levy of water rate which may be different in respect of water supplied, made available or used from different irrigation works with or without reference to crop or crops grown or which may be grown on the land.

Hence this Bill.

S. NIJALINGAPPA.

T. HANUMANTHAPPA,
Secretary.

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PART IV—2-A

BANGALORE, THURSDAY, OCTOBER 14, 1965 (ASVIJA 22, SAKA ERA 1887). | No. 196

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 10418—L.A., Bangalore, dated 14th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore State Civil Service Class III Posts Recruitment (Validation) Bill, 1965** together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE STATE CIVIL SERVICES CLASS III POSTS RECRUITMENT (VALIDATION) BILL, 1965.

A Bill to provide for the validation of certain recruitments to the Mysore State Civil Services Class III Posts.

WHEREAS in certain judicial proceedings it has been held that recruitments to Class III Posts in the Mysore State Civil Services made by the State Level Recruitment Committees are invalid due to some defect in the constitution of the said Committees and the non-compliance with certain rules in making the selections by such Committees;

AND WHEREAS in certain judicial proceedings it has been held that recruitments to Class III Posts in the Mysore State Civil Services made before December 1962, by a Divisional Level Recruitment Committee are illegal on the ground that the rules made by the Governor had no retrospective effect and certain other recruitments made by the Divisional Recruitment Committees have been questioned in other judicial proceedings;

AND WHEREAS recruitments have been made by the State Level Recruitment Committees and the Divisional Level Recruitment Committees from the year 1961, and a large number of persons have been appointed in the State Government service in pursuance of such recruitments, and the discharge of persons selected by the said Committees who have been appointed as Government servants and the taking of action for making fresh recruitments to all these posts will entail huge expenditure and will cause considerable difficulty in the administration of several Departments;

AND WHEREAS it is necessary to take immediate steps to provide for the validation of the selections made by the State Level Recruitment Committees and the Divisional Level Recruitment Committees and appointments made in pursuance of such selections;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called th Mysore State Civil Services Class III Posts Recruitment (Validation) Act, 1965.

(2) It shall be deemed to have come into force on the 24th day of September 1965.

2. Validation of the constitution of and selections by the State Level Recruitment Committees and the Divisional Level Recruitment Committees.—(1) Notwithstanding anything contained in the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, or any other rules made under Article 309 of the Constitution or any law or in any judgment, decree or order of any court,—

(*a*) the body of persons who functioned as a State Level (Ministerial Posts) Recruitment Committee, or a State Level (Non-Ministerial Posts) Recruitment Committee, or a Divisional Level Recruitment Committee, shall be deemed for all purposes to have been the Recruitment Committee duly constituted in accordance with law ;

(*b*) the persons who sat or otherwise took part in the proceedings of any of the said Committees shall be deemed to have been entitled so to do as members of such Committee;

(*c*) every person who functioned as Chairman of any of the said Committees shall be deemed to have been the duly appointed Chairman of such Committee ;

(*d*) every person who functioned as the Secretary of any such Committee shall be deemed to have validly functioned on behalf of the Committee in calling for applications of candidates, making communications to the candidates and others on behalf of the Committee, authenticating or notifying the names of candidates selected by the Committee and in respect of all other matters relating to the functions of such Committee;

(*e*) the selection made by any of the said Committees to any class or category of posts and the lists of names of

candidates so selected and authenticated or notified by the Secretary of such Committee shall be and shall always be deemed to have been validly made, authenticated or notified, as the case may be;

(*f*) the appointments made of the candidates selected by any of the said Committees to any class or category of posts whether before or after the commencement of this Act shall be and shall always be deemed to have been validly made.

(2) Notwithstanding any judgment, decree or order of any court, the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, shall be deemed to have validly come into force on the 23rd October 1961, and accordingly any thing done or any action taken (including selections and appointments of candidates made) on or after the said date under the said rules shall, subject to the provisions of sub-section (1), be and shall always be deemed to have been validly done or taken in accordance with law.

(3) Any order of a court declaring the appointment of any persons made in pursuance of selection to any class or category of posts by any Committee referred to in sub-section (1) to be invalid on account of any defect in the constitution of such Committee or on the ground that any rule relating to the selection of the candidates was not complied with, or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962, had no retrospective effect, shall be deemed to be and always to have been of no legal effect whatsoever and the selections and appointments made are hereby validated.

3. Court not to question validity of recruitment made on the ground of defect in the constitutions, etc.—No court shall question any selection made or any resolution, proceeding or thing adopted, taken or done by any committee referred to in sub-section (1) of section 2, or any appointment made by any authority in pursuance of such selection, merely on the

ground that the said committees had not been duly constituted or on the ground that any rule relating to the selection of the candidates was not complied with or on the ground that the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962 had no retrospective effect.

4. Saving.—Notwithstanding anything contained in section 2, no person appointed to any post shall be entitled to the emoluments of such post during any period in which he did not perform the functions assigned to the person holding such post.

5. Repeal.—The Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance, 1965 (Mysore Ordinance No. 2 of 1965), is hereby repealed.

Statement of Objects and Reasons

Since the year 1961, recruitment to certain Class III posts in the Mysore State Civil Services is being done by the State Level Recruitment Committees and Divisional Level Recruitment Committees in accordance with the Mysore State Civil Services Class III Posts Recruitment Committees (Constitution and Functions) Rules, 1962 which have come into force with effect from 23rd October 1961. Some of the recruitments made by State Level Recruitment Committees and a Divisional Level Recruitment Committee have been held illegal in certain judicial proceedings on one or other of the following grounds, namely :—

(1) constitution of committees is defective;

(2) selections have not been made by the committees in compliance with the rules;

(3) rules made by the Governor for constitution of these committees cannot have retrospective effect.

As a large number of persons have been appointed to the State Government services since 1961 under these rules, and the discharge of persons selected and the taking of action for making fresh recruitment to these posts whose number runs into thousands will entail huge expenditure besides causing difficulty in the administration of the Departments, it became necessary to validate these recruitments by undertaking legislation. As the matter could not brooke delay and the Houses of Legislature were not in session, Mysore Ordinance No. 2 of 1965 was promulgated. This Bill is intended to repeal and replace the Ordinance.

S. NIJALINGAPPA.

T. HANUMANTHAPPA,
Secretary.

Statement under sub-rule (I) of rule 70 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly regarding promulgation of the Mysore State Civil Services Class III Posts Recruitment (Validation) Ordinance 1965.

Consequent upon certain judicial proceedings in which recruitment to Class III posts in the Mysore State Civil Services made by the State Level Recruitment Committees and a Divisional Level Recruitment Committee were held to be invalid, it became necessary to undertake immediate legislation to validate such recruitments to avoid difficulties in the administration of several Departments. As the Houses of Legislaure were not in session, the Ordinance was promulgated to vtlidate the recruitments.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 2-A

MYSORE BILLS BND REPORTS OF SELECT COMMITTEES THEREON

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 103 94/L.A., Bangalore, dated 20th October 1965.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation (No. 5) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION (No. 5) BILL, 1965.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66 ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 5) Act, 1965.

2. Issue of rupees 1,17,72,847 out of the Consolidated Fund of the State for the financial year 1965-66.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, seventeen lakhs, seventy two thousand, eight hundred and forty seven rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.		Rs.	Rs.	Rs.
5	12	Sales Tax	7,78,000	...	7,78,000
10	19	General Administration ...	100	...	100
15	23	Police	200	...	200
17	28	Education	100	...	100
20	31	Agriculture	43,36,300	...	43,36,300
22	33	Animal Husbandry	100	...	100
23	34	Co-operation	200	...	200
24	35	Industries	200	...	
25	37	C.D.P., N.E.S. and L.D. Works ...	100	...	100
26	38	Labour and Employment ...	100	...	100
31	50	Public Works	600	...	600
39	71	Miscellaneous	100	...	100
		Total 'A' ...	51,16,100	...	51,16,100
	C.	CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial and Economic Development ...	300	...	300
48	103	Capital Outlay on Public Works ...	19,35,000	..	19,35,000
		Total—'C' ...	19,35,300	...	19,35,300
	E.	DISBURSEMENT OF ADVANCES AND LOANS.			
64	Q.	Loans and Advances by State/Union Territory Governments ...	47,21,447	...	47,21,447
		Grand Total ...	1,17,72,847	...	1,17,72,847

Statement of Objects and Reasons.

This Bill is introduced in pursuance of the provisions of Article 204 (1) read with Article 205 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of moneys required towards defraying the several further charges which will come in course of payment during the financial year ending on 31st March 1966.

RAMAKRISHNA HEGDE.

T. HANUMANTHAPPA,
Secretary.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'lore.

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION

No. LAW 60 LGN 65, Bangalore, dated the 11—16th November 1965.

In exercise of the powers conferred by clause (1) of Article 299 of the Constitution, the Governor of Mysore, hereby makes the following further amendment in the Notification No. LAW 61 LGN 61, dated the 6th December 1961, namely :—

In the said Notification, in Part XVI relating to the Development Department, after entry 52, the following entry shall be inserted, namely :—

"52-A. Agreements in respect of works taken up under the Local Development Works Programme of the Government of India.	By the Block Development Officers of the Blocks."

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secy. to Govt., L. D.

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